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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 871.2]

PART 871—SUGAR BEETS

PRICES FOR 1949 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held during October 1948 (for California), and January 1949 (for States other than California), the following determination is hereby issued:

§ 871.2 *Fair and reasonable prices for the 1949 crop of sugar beets.* A processor-producer of sugar beets who applies for a payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1949 crop of sugar beets if such processor-producer shall have paid or contracted to pay for sugar beets purchased from other producers and processed by said processor-producer prices not less than those provided for in the 1949 crop purchase contract between said parties.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for the 1949 crop of sugar beets purchased by a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugar beets—hereinafter referred to as "processor") from other producers as one of the conditions for payment under the Act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "price determination", identified by the crop year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, public hearings were held at Berkeley, California on October 27, 1948; Detroit, Michigan on January 3, 1949; Salt Lake City, Utah on January 7, 1949; Billings, Montana on January 10, 1949; and Greeley,

Colorado on January 24, 1949. At these hearings neither the processors nor producers proposed or advocated any particular principle or group of principles to serve as a guide in determining fair and reasonable prices for the 1949 crop of sugar beets. The testimony presented was brief and consisted largely of requests that the 1949 crop purchase contracts be examined, in the light of mill and farm data then being assembled by the Department, to determine whether the sharing relationships resulting from such contracts were fair and reasonable.

In the past fair and reasonable price determinations have been based largely on testimony presented at public hearings, on information resulting from investigations, and on purchase contracts negotiated between the parties. In most years comparative cost data with respect to producing and processing sugar beets were not available for all sections of the beet area for consideration in price determinations. However, during 1948 a study was made of the sugar beet industry with particular emphasis on the costs of and returns from producing and processing sugar beets. This study covered the operations of a representative number of producers for the 1947 crop and the operations of all processors for the 1945, 1946, and 1947 crops.

In the 1949 price determination, consideration has been given to the testimony presented at the hearings, to the results of the study of the sugar beet industry, to 1949 purchase contracts which have been entered into between processors and producers, and to general economic conditions which affect the terms of purchase contracts.

(c) *Background.* Purchase contracts covering the terms and conditions of growing and purchasing sugar beet crops have been in use for many years. These contracts have been developed through negotiations between representatives of processors and producers. Many changes have been effected in the contracts throughout the years.

Contracts used in the beet area are of two types, generally known as (1) percentage sharing contracts and (2) scale type contracts. The former, used largely in the Great Lakes area and in a few other factory districts, provides, with some variations, that processors and producers shall share equally in the

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total net proceeds derived from the sale of sugar, beet pulp and molasses actually recovered from the beets. The second and more widely used type of contract provides a scale under which the effective price for sugar beets is determined from (1) the net proceeds (per one hundred pounds) derived from the sale of sugar produced and (2) the percentage of sugar in the sugar beets. Under scale type contracts, prices for sugar beets are customarily expressed in terms of fixed prices per ton and are calculated on the basis of assumed recoveries of sugar. The actual recovery of sugar from the crop is not used as a basis for payment. In general, the producers' share ranges from 50 to 60 percent of total net sugar proceeds per ton of beets delivered, depending upon sugar content and the level of net returns.

Determinations of fair and reasonable prices for sugar beets have been issued each year since 1937. Except for the 1940 and 1941 crops in areas using scale type contracts, the prices payable in purchase contracts entered into between

processors and producers have been determined to be fair and reasonable. The 1940 and 1941 price determinations established specific prices per ton of sugar beets at various levels of net returns and percentages of sugar in the beets; eliminated the clause contained in some contracts under which provision was made for an accelerating rate of reduction in payments to producers when net proceeds from sugar fell below \$3.25 per one hundred pounds; and eliminated the practice of calculating average net returns for purposes of settlement with growers on the basis of net proceeds realized from the sale of sugar by other processors.

During the crop years 1943 to 1947, the price scales in the 1942 purchase contracts were used as the basis for the support price under the Commodity Credit Corporation price support programs. The result of these support programs was to increase the producers' returns over what they would have been had the actual net proceeds determined their returns.

The 1948 price determination approved as fair and reasonable the prices payable in purchase contracts between processors and producers. However, this approval did not constitute an evaluation of those provisions of the contracts applicable to sugar prices materially lower than the price prevailing on the date of issuance of such determination. The purchase contracts used in 1948 contained a number of significant changes in the price scales. In scale type contracts, prices to producers in 1948 generally were more favorable at net returns of six cents or more per pound for sugar than were such prices in previous years, except during the war years when price support programs were in effect. Conversely, prices for sugar beets generally were less favorable than in previous contracts at net returns below six cents. In most of the percentage sharing contracts used in the Great Lakes area, producers received an additional 15 percent of the sugar proceeds from net returns between 6.7 and 9 cents per pound.

(d) 1949 price determination. The 1949 price determination provides that processors shall be deemed to have complied with section 301 (c) (2) of the Act if they pay, or contract to pay, for sugar beets purchased from other producers prices not less than those provided for in the 1949 crop purchase contracts.

The prices payable for 1949 crop sugar beets under percentage sharing contracts used in the Great Lakes area and under scale type contracts used in California are the same as for 1948. In most of the other settlement areas, such prices were, with certain exceptions, increased at levels of net returns less than six cents and at levels of net returns higher than 7.50 cents per pound. In a few settlement areas where adjustments were not made in 1948 crop purchase contracts, prices payable for sugar beets were lower at net return levels of six cents or less. Generally, at other levels of net returns prices payable under 1949 crop purchase contracts remain approximately the same as for the 1948 crop.

In analyzing prices payable under 1949 crop purchase contracts, the Department had for the first time actual data covering the returns, costs and profits of a representative number of producers and all processors for the entire beet sugar area. These data, although applicable to the 1947 crop in the case of producers and to the 1945, 1946, and 1947 crops in the case of processors, have been projected to the 1948 and 1949 crops by restating such data in the light of known or expected conditions for the 1948 and 1949 crops in accordance with generally acceptable methods. These projections were made for processors and producers in nine regions of the beet sugar area (groups of contiguous settlement areas).

On the basis of these projections, prices payable under 1949 crop purchase contracts were analyzed first, for the nine regions, and second, for company-wide operations of companies using scale type contracts and having factories located in two or more regions. The analysis consisted of a comparison of returns, costs, margins, and returns on investment of processors and producers at average levels of sucrose and probable net return, and a comparison of such factors at the sucrose and net return levels specified in the purchase contracts. Returns were computed on the basis of sugar proceeds only, and then by including primary by-products (wet pulp and molasses) as a component of milling income, and beet tops and Sugar Act payments as components of farm income. Although it was recognized that there are many difficulties and uncertainties involved in establishing comparable investment charges, returns on investment were examined under each of the conditions. In the analysis, it was also recognized that certain other factors such as competitive influences from other crops and within the beet sugar industry, customary production patterns, and relative risks and hazards borne by each of the parties have an important effect upon prices for sugar beets. While these factors are difficult to evaluate, certain general indications of value have been observed.

The analysis indicates that prices payable for sugar beets in 1949 crop purchase contracts are fair and reasonable at the present level of sugar prices (7.85 cents per pound, seaboard basis for refined cane sugar) and at levels of sugar prices reasonably above and below the present level. In this determination no attempt has been made to evaluate prices payable for sugar beets at materially higher or lower sugar prices than now exist as it is impossible fully to anticipate the effects that substantial changes in general economic conditions might have on relative costs and other pertinent factors. Although the purchase contracts provide prices for sugar beets at all levels of sugar prices, primary consideration is given to prices within a reasonable range of expectancy. Accordingly, there would appear to be little purpose in undertaking an evaluation of those provisions of the purchase contracts at the extreme ranges of sugar prices.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 8th day of August 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-6606; Filed, Aug. 12, 1949; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 288]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.434 *Orange Regulation 288*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 14, 1949, and ending at 12:01 a. m., P. s. t., August 21, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: 1,100 carloads;

(c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

RULES AND REGULATIONS

(c) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of August 1949.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 14, 1949, to 12:01 a. m. Aug. 21, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1023
A. F. G. Corona	.0000
A. F. G. Fullerton	.9247
A. F. G. Orange	.4127
A. F. G. Riverside	.0646
A. F. G. San Juan Capistrano	.5329
A. F. G. Santa Paula	.5440
Hazeltine Packing Co.	.4233
Placentia Pioneer Valencia Growers Association	.6681
Signal Fruit Association	.0938
Azusa Citrus Association	.5036
Damerel-Allison Co.	.8191
Glendora Mutual Orange Association	.3997
Puente Mutual Orange Association	.1670
Valencia Heights Orchard Association	.4991
Covina Citrus Association	1.3630
Covina Orange Growers Association	.6266
Glendora Citrus Association	.4055
Glendora Heights Orange & Lemon Growers Association	.0527
Gold Buckle Association	.4883
La Verne Orange Association	.6444
Anaheim Citrus Fruit Association	1.4089
Anaheim Valencia Orange Association	1.4883
Eadington Fruit Co., Inc.	3.1551
Fullerton Mutual Orange Association	1.6027
La Habra Citrus Association	.8616
Orange County Valencia Association	.4138
Orangethorpe Citrus Association	1.0710
Placentia Cooperative Orange Association	1.0549
Yorba Linda Citrus Association, The	.7539
Escondido Orange Association	2.3390
Alta Loma Heights Citrus Association	.0665
Citrus Fruit Association	.1991
Cucamonga Citrus Association	.1256
Rialto Heights Orange Association	.0554
Upland Citrus Association	.5766
Upland Heights Orange Association	.1685
Consolidated Orange Growers	2.0633

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Frances Citrus Association	1.1008
Garden Grove Citrus Association	1.6794
Goldenwest Citrus Association	1.3108
Irvine Valencia Growers	2.5954
Olive Heights Citrus Association	1.9757
Santa Ana-Tustin Mutual Citrus Association	.9244
Santiago Orange Growers Association	4.1919
Tustin Hills Citrus Association	1.7807
Villa Park Orchards Association, The	2.0069
Bradford Bros., Inc.	.7055
Placentia Mutual Orange Association	2.0071
Placentia Orange Growers Association	2.4019
Yorba Orange Growers Association	.5873
Call Ranch	.0608
Corona Citrus Association	.6903
Jameson Co.	.0512
Orange Heights Orange Association	.5190
Crafton Orange Growers Association	.2836
East Highlands Citrus Association	.0582
Fontana Citrus Association	.1262
Highland Fruit Growers Association	.0268
Redlands Heights Groves	.2518
Redlands Orangedale Association	.2543
Break & Sons, Allen	.0350
Bryn Mawr Fruit Growers Association	.1662
Mission Citrus Association	.1685
Redlands Cooperative Fruit Association	.3059
Redlands Orange Growers Association	.2080
Redlands Select Groves	.2219
Rialto Citrus Association	.1980
Rialto Orange Co.	.1670
Southern Citrus Association	.1592
United Citrus Growers	.1410
Zillen Citrus Co.	.0720
Andrews Bros. of California	.0000
Arlington Heights Citrus Co.	.1167
Brown Estate, L. V. W.	.0000
Gavilan Citrus Association	.1608
Highgrove Fruit Association	.0805
Krinard Packing Co.	.2417
McDermont Fruit Co.	.1865
Monte Vista Citrus Association	.2059
National Orange Co.	.0036
Riverside Heights Orange Growers Association	.0533
Sierra Vista Packing Association	.0476
Victoria Avenue Citrus Association	.1725
Ciaramont Citrus Association	.1902
College Heights Orange and Lemon Association	.3711
Indian Hill Citrus Association	.2007
Pomona Fruit Growers Exchange	.3613
Walnut Fruit Growers Association	.4537
West Ontario Citrus Association	.3659
El Cajon Valley Citrus Association	.1282
San Dimas Orange Growers Association	.3217
Canoga Citrus Association	.7034
Covina Valley Orange Co.	.0646
North Whittier Heights Citrus Association	.8118
San Fernando Fruit Growers Association	.5371
San Fernando Heights Orange Association	.9271
Sierra Madre-Lamanda Citrus Association	.3999
Camarillo Citrus Association	1.6657
Fillmore Citrus Association	4.3567
Mupu Citrus Association	1.8233
Ojai Orange Association	.9615
Piru Citrus Association	2.5095
Rancho Sespe	.8775
Santa Paula Orange Association	1.2642

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Tapo Citrus Association	1.0102
Ventura County Citrus Association	.2123
Limoneira Co.	.6498
East Whittier Citrus Association	.3482
El Ranchito Citrus Association	1.4046
Whittier Citrus Association	.6003
Whittier Select Citrus Association	.2808
Anaheim Cooperative Orange Association	1.4096
Bryn Mawr Mutual Orange Association	.0062
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.3333
Euclid Avenue Orange Association	.5333
Foothill Citrus Union, Inc.	.0330
Fullerton Cooperative Orange Association	.3200
Garden Grove Orange Cooperative, Inc.	1.0618
Golden Orange Groves, Inc.	.2353
Highland Mutual Groves, Inc.	.0254
Index Mutual Association	.2193
La Verne Cooperative Citrus Association	1.5984
Mentone Heights Association	.0295
Olive Hillside Groves, Inc.	.4930
Orange Cooperative Citrus Association	1.4072
Redlands Foothill Groves	.4896
Redlands Mutual Orange Association	.1925
Riverside Citrus Association	.0385
Ventura County Orange & Lemon Association	1.0060
Whittier Mutual Orange & Lemon Association	.1264
Associated Growers Cooperative	.1262
Babijuce Corporation of California	.4324
Banks, L. M.	.6015
Borden Fruit Co.	.9531
California Associated Growers	.4617
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc.	.1534
Chess Co., Meyer W.	.2963
Evans Bros. Packing Co.	.2018
Furr Company, N. C.	.0382
Gold Banner Association	.2141
Granada Hills Packing Co.	.0402
Granada Packing House	1.8059
Hill Packing House, Fred A.	.0950
Knapp Packing Co., John C.	.2296
Orange Belt Fruit Distributors	1.9632
Panno Fruit Co., Carlo	.1502
Paramount Citrus Association	.4937
Placentia Orchard Co.	.5318
San Antonio Orchard Co.	.2842
Snyder & Sons Co., W. A.	1.1073
Stephens, T. F.	.1274
Wall, E. T.	.1105
Western Fruit Growers, Inc.	.3792

[F. R. Doc. 49-6690; Filed, Aug. 12, 1949; 11:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

RESERVES REQUIRED WITH FEDERAL RESERVE BANKS

1. Section 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks. Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a), the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(a) If not in a reserve or central reserve city:

(1) 6 percent of its time deposits until the opening of business on August 16, 1949, and 5 percent of its time deposits thereafter, plus

(2) 13 percent of its net demand deposits from August 1 to August 15, 1949, inclusive, and 12 percent of its net demand deposits thereafter.

(b) If in a reserve city (except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) of this section):

(1) 6 percent of its time deposits until the opening of business on August 11, 1949, and 5 percent of its time deposits thereafter, plus

(2) 20 percent of its net demand deposits until the opening of business on August 11, 1949, 19½ percent of its net demand deposits from August 11 to August 17, 1949, inclusive, 19 percent of its net demand deposits from August 18 to August 24, 1949, inclusive, 18½ percent of its net demand deposits from August 25 to August 31, 1949, inclusive, and 18 percent of its net demand deposits thereafter.

(c) If in a central reserve city (except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) or (b) of this section):

(1) 6 percent of its time deposits until the opening of business on August 11, 1949, and 5 percent of its time deposits thereafter, plus

(2) 24 percent of its net demand deposits until the opening of business on August 11, 1949, 23½ percent of its net demand deposits from August 11 to August 17, 1949, inclusive, 23 percent of its net demand deposits from August 18 to August 24, 1949, inclusive, 22½ percent of its net demand deposits from August 25 to August 31, 1949, inclusive, and 22 percent of its net demand deposits thereafter.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation and the maintenance of orderly conditions in the Government security market. The notice and public procedure described

in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's Rules of Procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e) 461, 462, 462a-1, 462b, 464, 465)

Approved this 5th day of August 1949.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49-6594; Filed, Aug. 12, 1949;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5093]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GULF & WEST INDIES CO., INC., AND MILTON
COHN

Subpart—Advertising falsely or misleadingly: § 3.130 Manufacture or preparation: § 3.235 Source or origin—Place—Foreign, in general: subpart—Misbranding or mislabeling: § 3.1255 Manufacture or preparation: § 3.1325 Source or origin—Place—Foreign, in general. In connection with the offering for sale, sale and distribution of chamois skins in commerce, (1) using the words "French process" or any other words of similar import to designate, describe or refer to chamois skins not actually tanned or produced by the French process, or (2) representing as having been imported from France any chamois skins which have not in fact been so imported; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gulf & West Indies Company, Inc., and Milton Cohn, Docket 5093, July 11, 1949]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of July A. D. 1949.

In the Matter of Gulf & West Indies Company, Inc., a Corporation, and Milton Cohn, Individually and as President of Gulf & West Indies Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answer of respondents, evidence introduced before trial examiners of the Commission theretofore duly designated by it, recommended decision of the trial examiner and brief in support of the

complaint (no brief having been filed on behalf of respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Gulf & West Indies Company, Inc., a corporation, and its officers, and Milton Cohn, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of chamois skins in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "French process" or any other words of similar import to designate, describe or refer to chamois skins not actually tanned or produced by the French process.

2. Representing as having been imported from France any chamois skins which have not in fact been so imported.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-6613; Filed, Aug. 12, 1949;
8:47 a. m.]

[Docket No. 3067]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BANNER MFG. CO.

Subpart—Advertising falsely or misleadingly: § 3.195 Safety. Order modifying prior order in Banner Manufacturing Co., 26 F. T. C. 614, 1938, Docket 3067, 16 CFR 3.195, so as to eliminate from paragraph one of said order, for the reasons set forth, proviso permitting, subject to the conditions therein set out, the representation by respondent, otherwise prohibited, that its antifreeze preparations are safe and harmless for general use in automobile radiators. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 115; 15 U. S. C., sec. 45b) [Order modifying cease and desist order, Banner Manufacturing Co., Docket 3067, July 13, 1949]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1949.

This cause coming on to be heard by the Commission upon motion of Richard P. Whiteley, Assistant Chief Counsel, to amend order to cease and desist issued in this proceeding on January 31, 1938; respondent's statement in opposition to said motion; testimony and other evidence on the question of public interest taken before Webster Ballinger, a trial examiner of the Commission; recommended decision of said trial examiner

filed March 2, 1948; exceptions to said recommended decision filed by the respondent, and brief of counsel in support of motion to amend order to cease and desist; and

It appearing to the Commission that it is the public understanding that an effective antifreeze is a preparation which prevents freezing in the radiators and motors of automobiles and is such a substance which will not cause damage to radiators, engines, motors, or other parts of automobiles when used; and

It further appearing that the representation that respondent's products, when used under the suggested directions of the respondent as to proper quantities thereof for designated temperatures, are "effective as antifreeze solutions" conveys the meaning to the public that said products are safe and harmless solutions for general use in automobile radiators; and

It further appearing that the respondent, by its answer in this proceeding, admitted that its preparations are not safe antifreeze preparations for general use from the standpoint of corrosion, as they will cause corrosion in the cooling system in which they are continually used which will in many instances lessen the effectiveness of the cooling system and cause the engine to overheat and cause corrosion on spark plugs, ignition wires and other metal parts of the automobile with which such products come in contact, in many instances causing shorts in the ignition system; and

The Commission being of the opinion that the proviso contained in paragraph (1) of the order is contrary to fact and contrary to the admissions in the pleadings, and the Commission being further of the opinion that the public interest requires that the order to cease and desist be modified to conform with the facts and the record herein:

It is ordered, That the order to cease and desist heretofore issued on January 31, 1938, be, and the same hereby is, modified by striking from paragraph (1) thereof the following proviso: "Provided, however, Respondent is not prohibited from representing that said products, as now composed, when used under the suggested directions of respondent as to proper quantities thereof for designated temperatures, are effective as antifreeze solutions."

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 49-6612; Filed, Aug. 12, 1949; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by

the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, and Public Law 164, 81st Cong.; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (12 F. R. 2215) and certification of batches of antibiotic and antibiotic-containing drugs (12 F. R. 2231; 13 F. R. 1087) are amended as indicated below.

1. The heading of Part 141, "Tests and Methods of Assay for Antibiotic Drugs," is changed to read "Tests and Methods of Assay for Antibiotic and Antibiotic-Containing Drugs."

2. The following new sections are added:

§ 141.201 *Aureomycin hydrochloride*—
(a) *Potency*—(1) *Cylinders (cups)*. Use cylinders described under § 141.1 (a).

(2) *Culture media*. Use the medium described under § 141.1 (b) (1) for both the seed layer and the base layer. Use the nutrient broth described under § 141.1 (b) (3) for preparing a suspension of the test organism.

(3) *Working standard*. Weigh out carefully an appropriate amount of the aureomycin working standard and dilute to 1000 micrograms per milliliter in 1% potassium acid phthalate-tartaric acid buffer pH 3.0. The standard solution when refrigerated may be used for 3 days. The standard solution may be preserved for at least 2 months by freezing in small aliquots. Each aliquot should be sufficient for one day's use only.

(4) *Preparation of sample*. Dissolve the sample to be tested in sterile distilled water to make an appropriate stock solution. Further dilute this solution volumetrically with 1% potassium acid phthalate-tartaric acid buffer pH 3.0 to contain 10.0 micrograms per milliliter (estimated).

(5) *Preparation of suspension*. The test organism is *Sarcina lutea* (P. C. I. 1001). Maintain the test organism on slants of nutrient agar prepared as in subparagraph (2) of this paragraph and transfer to a fresh agar slant once a week. Prepare a suspension of the test organisms as follows: Streak an agar slant heavily with the test organism. Wash the growth off in about 3 ml. of nutrient broth. Use the suspension so obtained to inoculate the surface of a Roux bottle containing 300 ml. of the nutrient agar. Spread the suspension over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 50 ml. of nutrient broth prepared as in subparagraph (2) of this paragraph. If an aliquot of this bulk suspension, when diluted 1:50 in physiological saline solution, gives 75% light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75% light transmission. (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer.) The bulk suspension may be used for at least 1 week. Add 0.4 ml. of the adjusted bulk suspension to 100

ml. of agar which has been melted and cooled to 48° C.

(6) *Preparation of plates*. Add 21 ml. of the agar prepared as in subparagraph (2) of this paragraph to each Petri dish (20 x 100 mm.). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4 ml. of the inoculum prepared as in subparagraph (5) of this paragraph for each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(7) *Assay*. Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-cm. radius. Use three plates for each sample. Fill three cylinders on each plate with the 10 micrograms per milliliter standard and three cylinders with the 10 micrograms per milliliter (estimated) sample, alternating standard and sample. At the same time, prepare a standard curve, using concentrations of the standard of 4.0, 6.0, 8.0, 10.0, 13.0, 17.0, 22.0, and 29.0 micrograms per milliliter in 1% potassium acid phthalate-tartaric acid buffer pH 3.0. A total of 21 plates is used in the preparation of the standard curve, three plates for each solution except the 10 micrograms per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill 3 cylinders with the 10 micrograms per milliliter standard and the other 3 cylinders with the concentration of the standard under test. Thus, there will be 63 ten-microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition. Average the readings of the 10 micrograms per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 63 readings of the 10 micrograms per milliliter concentration. The average of the 63 readings of the 10 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 10 micrograms per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 8.0 micrograms per milliliter concentration the average of the 63 readings of the 10 micrograms per milliliter is 18.0 mm., and the average of the 10 micrograms per milliliter concentration of this set of three plates is 17.8 mm., the correction is 0.2 mm. If the average reading of the 8.0 micrograms per milliliter concentration of those same three plates is 17.0 mm., the corrected value is then 17.2 mm.

Plot these corrected values, including the average of the 10 micrograms per milliliter concentrations on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sam-

ple gives a larger zone size than the average of the standard, add the difference between them to the 10 micrograms per milliliter unit zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 10 micrograms per milliliter unit value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(8) *Colorimetric assay.* In lieu of the plate-assay method described above, the sample may be assayed by the following colorimetric method: Prepare an aqueous solution of 1.0 mg. per milliliter of the sample to be assayed. Transfer two 1.0-ml. aliquots to each of two 50-ml. volumetric flasks. Add 5.0 ml. of 2N HCl to one flask and 5.0 ml. of distilled water to the other flask as a control blank. Heat both flasks on a boiling water bath for 5 minutes, then cool the flask under tap water, add 5.0 ml. of 2N HCl to the control blank and immediately make up with distilled water to the mark of both flasks. Transfer the solutions to 1.0-cm. colorimetric cells, set the photoelectric colorimeter at 100% light transmission for the blank, using a 440-m μ filter. Then replace this with the cell containing the unknown and read the percent transmission. Determine the concentration of the unknown solution by reference to a standard curve prepared by treating appropriate aliquots of a standard solution containing 1.0 mg. of pure aureomycin hydrochloride as described above.

(9) The potency of aureomycin is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 85% of the number of grams they are represented to contain.

(b) *Sterility.* Proceed as directed in § 141.108 (c).

(c) *Toxicity.* Proceed as directed in § 141.4, using as a test dose 0.5 ml. of an aqueous solution containing 2 milligrams per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141.3, using as a test dose 1.0 ml. per kilogram of an aqueous solution containing 5 mg. per milliliter.

(e) *Histamine.* Proceed as directed in § 141.105, using as a test dose 0.6 ml. of an aqueous solution containing 5 mg. per milliliter.

(f) *Moisture.* Proceed as directed in § 141.5 (a) or § 141.26 (e).

(g) *pH.* Proceed as directed in § 141.5 (b), using a saturated aqueous solution.

(h) *Clarity.* Proceed as directed in § 141.5 (c), using a solution containing 10 mg. per milliliter, and examine immediately.

(i) *Microscopical test for crystallinity.* Proceed as directed in § 141.5 (d).

§ 141.202 *Aureomycin ointment*—(a) *Potency.* Proceed as directed in § 141.201 (a), except subparagraph (9) thereof, and in lieu of the directions in subparagraph (4) of § 141.201 (a) prepare the sample as follows: Accurately weigh the container and contents and place 0.5 to 1.0 gm. into a separatory funnel containing approximately 50 ml. of peroxide-free ether. Reweigh the container to obtain weight of ointment used in the

test. Shake ointment and ether until homogeneous. Shake with a 25-ml. portion of 1% potassium acid phthalate-tartaric acid buffer pH 3.0. Remove the buffer layer and repeat the extraction with three 25-ml. quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1% potassium acid phthalate-tartaric acid buffer pH 3.0. The potency of aureomycin ointment is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

(c) *Microorganism count.* Weigh out approximately 0.5 gm. of ointment into a sterile 25-mm. x 200-mm. test tube. Add 25 ml. of seed agar (§ 141.1 (b) (1)) which has been cooled to 48°–50° C. Emulsify the ointment in the warm agar, and, when completely emulsified, add to a sterile Petri dish. Allow to harden, invert and incubate at 37° C. for 48 hours. Count the number of colonies appearing on the Petri dish and calculate therefrom the number of viable organisms not susceptible to aureomycin per gram of ointment.

§ 141.203 *Aureomycin troches*—(a) *Potency.* Proceed as directed in § 141.201 (a) except subparagraph (9) thereof, and in lieu of the directions in subparagraph (4) of § 141.201 (a) prepare the sample as follows:

Place 12 troches in a glass blending jar containing 200 ml. of sterile distilled water. Using a high-speed blender, blend for 3 to 5 minutes and then make the proper estimated dilutions in 1% potassium acid phthalate-tartaric acid buffer at pH 3.0. The average potency of the troche is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.204 *Aureomycin capsules*—(a) *Potency.* Proceed as directed in § 141.203 (a), using one capsule of 250 mg. or five capsules of 50 mg. for the sample and 250 ml. of water in the blender. The average potency of the capsules is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a) or § 141.26 (a).

§ 141.205 *Aureomycin powder*—(a) *Potency.* Proceed as directed in § 141.203 (a), using 3 gm. of sample. The average potency of the powder is satisfactory if it contains not less than 85% of the number of milligrams of aureomycin per gram it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.206 *Aureomycin ophthalmic*—(a) *Potency.* Proceed as directed in § 141.201 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *Microorganism count.* Proceed as directed in § 141.202 (c), using the contents of one vial dissolved in 5 ml. of sterile distilled water for the test.

§ 141.301 *Chloramphenicol*—(a) *Potency*—(1) *Cylinders (cups).* Use cylinders described under § 141.1 (a).

(2) *Culture media.* Use the medium described under § 141.1 (b) (1) for both the seed layer and the base layer. Use the nutrient broth described under § 141.1 (b) (3) for preparing a suspension of the test organism.

(3) *Working standard.* Prepare the working standard by weighing out carefully appropriate amounts of the chloramphenicol working standard and dilute in 1% phosphate buffer pH 6.0 to give a solution containing 50 micrograms per milliliter. Keep this stock solution at a temperature of 15° C. or less and use for only 1 month. The standard may first be dissolved in a small amount of ethyl alcohol to facilitate solution.

(4) *Preparation of sample.* Prepare the sample to be tested by dissolving in a small amount of ethyl alcohol and then further dilute in 1% phosphate buffer pH 6.0 to make an appropriate stock solution.

(5) *Preparation of suspension.* The test organism is *Sarcina lutea* (P. C. I. 1001). Maintain the test organism on slants of nutrient agar prepared as in subparagraph (2) of this paragraph and transfer to a fresh agar slant once a week. Prepare a suspension of the test organism as follows: Streak an agar slant heavily with the test organism. Wash the growth off in about 3 ml. of nutrient broth. Use the suspension so obtained to inoculate the surface of a Roux bottle containing 300 ml. of the nutrient agar. Spread the suspension over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 20 ml. of nutrient broth prepared as in subparagraph (2) of this paragraph. If an aliquot of this bulk suspension, when diluted with nutrient broth 1:10, gives a 10% light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6500 Angstrom units, it is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:10 gives 10% light transmission. (The adjusted bulk suspension only, and not the 1:10 dilution of it, is used in preparing the seed layer.) The bulk suspension may be used in the test for 1 month. Add 1.5 ml. of the adjusted bulk suspension to 100 ml. of agar which has been melted and cooled to 48° C.

(6) *Preparation of plates.* Add 21 ml. of the agar prepared as in subparagraph (2) of this paragraph to each Petri dish (20 x 100 mm.). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4 ml. of the inoculum prepared as in paragraph (5) of this paragraph for each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(7) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals or a 2.8-cm. radius. Use three plates for each sample. Fill three cylinders on each plate with the 50 micrograms per milliliter standard and three cylinders with the 50 micrograms per milliliter (estimated) sample, alternating standard and sample. At the same time prepare

a standard curve, using concentrations of the standard of 30.0, 35.0, 40.0, 45.0, 50.0, 55.0, 60.0, 65.0, and 70.0 micrograms per milliliter. A total of 24 plates is used in the preparation of the standard curve, three plates for each solution except the 50 micrograms per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 50 micrograms per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus, there will be seventy-two 50 micrograms determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition. Average the readings of the 50 micrograms per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 72 readings of the 50 micrograms per milliliter concentration. The average of the 72 readings of the 50 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 50 micrograms per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 40 micrograms per milliliter concentration the average of the 72 readings of the 50 micrograms per milliliter is 18.0 mm., and the average of the 50 micrograms per milliliter concentration of this set of three plates is 17.8 mm., the correction is 0.2 mm. If the average reading of the 40 micrograms per milliliter concentration of these same three plates is 17.0 mm., the corrected concentration of these same three plates is 17.0 mm., the corrected value is then 17.2 mm.

Plot these corrected values, including the average of the 50 micrograms per milliliter concentrations on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 50 micrograms per milliliter unit zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 50 micrograms per milliliter unit value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(8) *Spectrophotometric method.* In lieu of the plate-assay method described above, the following method may be used: Dissolve 20 mg. of the sample, accurately weighed, in 100 ml. of distilled water, warming to hasten solution. Cool to room temperature, dilute to exactly 1,000 ml. with distilled water, and mix. With a suitable spectrophotometer determine the optical density of the solution in a

1-cm. cell at 273 m μ compared with distilled water as a blank. Multiply the optical density figure obtained by the appropriate factor to obtain the optical density value of a 1% solution.

The $E_{1\text{ cm}}^{1\%}$ value of the sample multiplied by 100, divided by 298 represents the percent potency.

(9) The potency of chloramphenicol is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 85% of the number of grams they are represented to contain.

(b) *Sterility.* Proceed as directed in § 141.108 (c).

(c) *Toxicity.* Proceed as directed in § 141.4, using as a test dose 0.5 ml. of a solution containing 2 mg. per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141.3, using as a test dose 1.0 ml. per kilogram of a solution containing 5 mg. per milliliter.

(e) *Histamine.* Proceed as directed in § 141.105, using as a test dose 0.6 ml. of a solution containing 5 mg. per milliliter prepared by application of heat.

(f) *Moisture.* Determine the loss in weight after drying at 100° C. for 2 hours, utilizing 50 to 100 mg. of sample.

(g) *pH.* Proceed as directed in § 141.5 (b) using a saturated aqueous solution.

(h) *Microscopical test for crystallinity.* Proceed as directed in § 141.5 (d).

(i) *Specific rotation.* Accurately weigh approximately 1.25 gm. of the sample in a 25-ml. glass-stoppered volumetric flask and dissolve in about 15 ml. of absolute alcohol, warming if necessary. Dilute the solution to 25 ml. with absolute alcohol and mix thoroughly. Transfer the solution to a 200-mm. tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5893 Angstrom filter, and calculate the specific rotation.

(j) *Melting point.* Proceed as directed by the U. S. P.

(k) *Extinction coefficient.* Proceed as directed in paragraph (a) (8) of this section.

§ 141.302 Chloramphenicol capsules—

(a) *Potency.* (1) Proceed as directed in § 141.301 (a), except subparagraph (9) thereof, and in lieu of the directions in subparagraph (4) of § 141.301 (a) prepare sample as follows: Place the contents of one capsule and the empty capsule in a 250-ml. volumetric flask. Add 50 ml. of ethyl alcohol, shake well, and make to 250 ml. with 1% phosphate buffer pH 6.0. Shake the flask well. Withdraw a 1-ml. aliquot and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0.

(2) The potency may also be determined as directed in § 141.301 (a) (8), except prepare the sample as follows: Rinse the contents of one capsule into a liter volumetric flask using about 250 ml. of water. Warm the contents of the flask gently until complete solution is obtained, cool and make up to volume. Dilute a 4-ml. aliquot of this solution to exactly 50 ml. for the assay.

(3) The potency of the capsule is satisfactory if it contains not less than 85% of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.301 (f).

§ 141.401 Bacitracin — (a) *Potency.* (1) *Plate assay.* Proceed as directed in § 141.101, with the following exceptions:

(i) Use the culture media for the seed layer and the base layer as described in § 141.1 (b) (1) and (2).

(ii) Use the bacitracin working standard and dissolve in sterile distilled water to make an appropriate stock solution. The stock solution when refrigerated may be used for 2 weeks. The stock solution may also be preserved for at least 2 months by freezing in small aliquots. Each aliquot should be sufficient for 1 day's use only. Make all dilutions of the stock solution for the assay with sterile distilled water.

(iii) Dissolve the sample to be tested in sterile distilled water and make dilutions with the same solvent to one unit per milliliter (estimated).

(iv) The test organism is *Micrococcus flavus*, which is maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141.1 (b) (2). Inoculate a Roux bottle containing agar from a stock slant of the organism and incubate 18 hours at 37° C. Wash off the growth in 10 ml. of sterile physiological saline solution. If an aliquot of this bulk suspension, when diluted 1:50 in physiological saline solution, gives 75% light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75% light transmission. (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer). Add 0.5 ml. of the adjusted bulk suspension to 100 ml. of agar which has been melted and cooled to 48° C.

(2) *Turbidimetric assay.* In lieu of the plate-assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(i) Employ the agar described in § 141.1 (b) (2) (adjusted to a final pH 7.0) for maintaining the test organism, which is *Staphylococcus aureus* (PCI 1203). Transfer stock cultures every 2 weeks for test purposes. On the day of test transfer the growth from a stock slant to approximately 100 ml. of nutrient broth (§ 141.1 (b) (3)). Incubate the inoculated broth until the culture has grown sufficiently to give a light transmission reading of 80–90%, using a filter having a light transmission peak at 6500 Angstrom units. This culture may be held overnight at refrigerator temperature if desired. Prepare the "daily" inoculum by adding approximately 6.0 ml. of the standardized broth culture to each 100 ml. of broth previously cooled to a temperature of approximately 15° C.

(ii) *Working-standard solutions.* Dilute the working standard to 10 units per milliliter of bacitracin in sterile distilled water. Further dilute this to make solutions containing 0.100, 0.141, 0.200, 0.282, 0.398, and 0.562 units per milliliter. These solutions are used for preparing

the standard curve and may be held at 15° C. for 1 week. Add 1.0 ml. of each of these working solutions to each of six 14 x 124 mm. test tubes (sextuplicate).

(iii) *Preparation of sample.* Dilute the sample under test to 0.25 unit per milliliter (estimated). Add 1.0 ml. of diluted sample to each of six 14 x 124 mm. test tubes (sextuplicate). Add 9.0 ml. of the "daily" inoculum described above to each tube of the standard and unknown series and place immediately in a 37° C. water bath for 4 hours. After incubation, add four drops of formalin to each tube, and estimate the turbidity of each in a photoelectric colorimeter, using a broad-band filter having a wave length of 5300 Angstrom units.

(iv) *Estimation of potency.* Average the six colorimeter readings at each standard level. Plot the average turbidity figures of the standard on semilog graph paper, employing units per tube as the abscissa (log scale) and light transmission as the ordinate. Connect the points with a straightedge. Average the sample readings and read in units per tube from the curve. Units per tube multiplied by 100 will give percent potency of the sample.

(3) The potency of the bacitracin is satisfactory when assayed by the methods described in this section if the immediate containers contain 85% of the number of units they are represented to contain.

(b) *Sterility*—(1) *Culture medium.* Prepare fluid thioglycollate medium as described in § 141.2 (a).

(2) *Conduct of test.* Add aseptically to each of two tubes containing approximately 15 ml. of fluid thioglycollate medium, 1.0 ml. of a 500 units per milliliter dilution in sterile distilled water of the bacitracin under test. Add 0.1 ml. of the 500 units per milliliter dilution to two additional tubes of thioglycollate medium. Incubate at 37° C. for 4 days. If no tube shows growth the sample is satisfactory. This method will demonstrate only those organisms which are not susceptible to this concentration of bacitracin.

(c) *Pyrogens.* Proceed as directed in § 141.3, using as a test dose 1.0 ml. per kilogram of a solution containing 300 units per milliliter. Use physiological salt solution as the diluent.

(d) *Toxicity.* Prepare solutions of the sample under test containing 200, 400, 600, 800, and 1,000 units per milliliter, using sterile physiological salt solution. Inject intravenously each of ten mice within the weight range of 18-25 gm. with 100, 200, 300, 400, and 500 units per 20 gm., respectively, utilizing the above solutions. The injections must be made over a period of not more than 5 seconds. Determine the L. D.₅₀, utilizing all mice injected, by plotting on semi-logarithmic paper the percent of deaths after 72 hours on the ordinate against dosage per 20-gm. mouse on the abscissa (logarithmic scale). The L. D.₅₀ shall be not less than 200 units per 20-gm. mouse.

(e) *Moisture.* Proceed as directed in § 141.5 (a).

(f) *pH.* Proceed as directed in § 141.5 (b), using a solution containing 10,000 units per milliliter.

(g) *Clarity.* Proceed as directed in § 141.5 (c), using solutions containing 1,000 and 10,000 units per milliliter.

§ 141.402 *Bacitracin ointment*—(a) *Potency.* Proceed as directed in § 141.401 (a), except subparagraph (3) thereof, and in lieu of the directions in subparagraph (1) (iii) of § 141.401 (a) prepare the sample as directed in § 141.8 (a), using sterile distilled water in place of 1% phosphate buffer pH 6.0. The potency of bacitracin ointment is satisfactory if it contains not less than 85% of the number of units per gram it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

(c) *Microorganism count.* Proceed as directed in § 141.202 (c).

§ 141.403 *Bacitracin tablets*—(a) *Potency.* Proceed as directed in § 141.401 (a), except subparagraph (3) thereof, and in lieu of the directions in subparagraph (1) (iii) of § 141.401 (a), prepare sample as directed in § 141.9 (a), using sterile distilled water in place of 1% phosphate buffer pH 6.0. The average potency of bacitracin tablets is satisfactory if it contains not less than 85% of the number of units per tablet it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *Microorganism count.* Accurately weigh from three to five tablets in a test tube, and dissolve in a total volume of 15 ml. of distilled water. Thoroughly shake and transfer aseptically one-third of the amount to each of three sterile Petri dishes. Pour into each Petri dish 20 ml. of nutrient agar, described in § 141.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix, allow the agar to solidify, invert the Petri dish, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram.

§ 141.404 *Bacitracin troches*—(a) *Potency.* Proceed as directed in § 141.403 (a). The average potency of bacitracin troches is satisfactory if it contains not less than 85% of the number of units per troche it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.405 *Bacitracin with vasoconstrictor*—(a) *Potency.* Proceed as directed in § 141.401 (a), except subparagraph (3) thereof. The potency of bacitracin with vasoconstrictor is satisfactory if it contains not less than 85% of the number of units per container it is represented to contain.

(b) *Microorganism count.* Proceed as directed in § 141.403 (c), using a 500-mg. sample.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

3. The heading of Part 146, "Certification of Batches of Penicillin or Streptomycin-Containing Drugs", is changed to read "Certification of Batches of Antibiotic and Antibiotic-Containing Drugs."

4. Section 146.1 is amended to read as follows:

§ 146.1 *Definitions and interpretations.* For the purpose of the regulations in this part:

(a) Each of the several antibiotic substances (e. g. penicillin F, penicillin G, penicillin X) produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum*, and each of the same substances produced by any other means, is a kind of penicillin.

Wherever the term "penicillin" appears in the regulations in this part it means sodium penicillin, calcium penicillin, or potassium penicillin, or any combination of two or all of these, unless otherwise specified.

(b) Each of the several antibiotic substances produced by the growth of *Streptomyces griseus*, and each of the same substances produced by any other means, is a kind of streptomycin.

Wherever the term "streptomycin" appears in the regulations in this part it means streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, or streptomycin trihydrochloride calcium chloride, or any combination of two or all of these, unless otherwise specified.

(c) Each of the several antibiotic substances produced by the growth of *Streptomyces aureofaciens*, and each of the same substances produced by any other means, is a kind of aureomycin.

Wherever the term "aureomycin" appears in the regulations in this part it means aureomycin hydrochloride unless otherwise specified.

(d) Each of the several antibiotic substances produced by the growth of *Streptomyces venezuelae*, and each of the same substances produced by any other means, is a kind of chloramphenicol.

(e) Each of the several antibiotic substances produced by the growth of *Bacillus subtilis* var. Tracy, and each of the same substances produced by any other means, is a kind of bacitracin.

(f) The term "penicillin master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II) which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin working standard.

(g) The term "streptomycin master standard" means a specific lot of crystalline trihydrochloride calcium chloride salt of streptomycin which is designated by the Commissioner as the standard of comparison in determining the potency of the streptomycin working standard.

(h) The term "aureomycin master standard" means a specific lot of crystalline aureomycin hydrochloride which is designated by the Commissioner as the standard of comparison in determining the potency of the aureomycin working standard.

(i) The term "chloramphenicol master standard" means a specific lot of crystalline chloramphenicol which is designated by the Commissioner as the standard of comparison in determining the potency of the chloramphenicol working standard.

(j) The term "bacitracin master standard" means a specific lot of bacitracin which is designated by the Commissioner as the standard of comparison

in determining the potency of the bacitracin working standard.

(k) The term "unit" applied to penicillin means a penicillin activity contained in 0.6 microgram of the penicillin master standard; the term "penicillin potency" means the number of such units in a specified quantity of a substance. The term "unit" applied to bacitracin means a bacitracin activity contained in 17 micrograms of the bacitracin master standard; the term "bacitracin potency" means the number of such units in a specified quantity of a substance.

(l) The term "microgram" applied to streptomycin means the streptomycin activity (potency) contained in 1.38 micrograms of the streptomycin master standard after it is dried for 4 hours at 56° C. and a pressure of 50 microns or less. The term "microgram" applied to aureomycin means the aureomycin activity (potency) contained in 1.0 microgram of the aureomycin master standard. The term "microgram" applied to chloramphenicol means the chloramphenicol activity (potency) contained in 1.0 microgram of the chloramphenicol master standard.

(m) The term "penicillin working standard" means a specific lot of homogeneous preparation of one or more penicillin salts; the term "streptomycin working standard" means a specific lot of a homogeneous preparation of one or more streptomycin salts; the term "aureomycin working standard" means a specific lot of a homogeneous preparation of one or more aureomycin salts; the term "chloramphenicol working standard" means a specific lot of a homogeneous preparation of one or more chloramphenicols; the term "bacitracin working standard" means a specific lot of a homogeneous preparation of one or more bacitracins. The potency of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency of drugs subject to the regulations in this part.

(n) The term "batch" means a specific homogeneous quantity of a drug.

(o) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer or packer thereof.

(p) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purposes of the regulations in this part.

(q) The term "U. S. P." means the official Pharmacopoeia of the United States, including supplements thereto. The term "N. F." means the official National Formulary, including supplements thereto.

(r) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued in his professional practice by a physician, dentist, or veterinarian licensed by law to administer or apply such drug.

(s) All statements, samples, and other information and materials submitted in connection with a request for certification

shall be considered to be a part of such request.

(t) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

(u) Except as specifically provided by §§ 146.8 to 146.23, inclusive, no provision of any section in this part shall be construed as exempting any drug from any applicable provision of the act or other regulation thereunder.

(v) The regulations in Part 141 of this chapter prescribing tests and methods of assays shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

5. Section 146.4 (a) (4) and (b) (3) and (5) are amended to read as follows:

§ 146.4 *Conditions on the effectiveness of certificates.*

(a) * * *

(4) With respect to any package of penicillin, streptomycin, aureomycin, chloramphenicol, or bacitracin, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this part.

(b) * * *

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or penicillin with a vasoconstrictor, or to any immediate container of bacitracin when it is included in the packaged combination bacitracin with a vasoconstrictor, except that when certification of the batch so included is requested, such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is part of such combination;

* * *

(5) With respect to any package of penicillin, streptomycin, aureomycin, chloramphenicol, or bacitracin, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this part; or

6. The title of § 146.7 is changed to read:

§ 146.7 *New antibiotic and antibiotic-containing products.*

7. Section 146.8 (c), first sentence, is amended to read as follows:

§ 146.8 *Fees.* * * *

(c) When the Commissioner considers it necessary to make investigations of a new penicillin, streptomycin, aureomycin, chloramphenicol, or bacitracin product, on which a request has been submitted in accordance with § 146.7, the fee for such service shall be the cost thereof. * * *

8. Section 146.20 (a) is amended to read as follows:

§ 146.20 *Exemptions for processing.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin, streptomycin, aureomycin, chloramphenicol, or bacitracin in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (1) of the act, if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

9. Section 146.22 (a) is amended to read:

§ 146.22 *Exemptions for manufacturing use.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin, streptomycin, aureomycin, chloramphenicol, or bacitracin which is packed in containers of not less than 10,000,000 units of penicillin or 10 grams of streptomycin, aureomycin, chloramphenicol, or bacitracin each shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502 (1) of the act, if it conforms to the standards prescribed therefor by the section of the regulations in this part which is specifically applicable to such other drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

10. The following new sections are added:

§ 146.201 *Aureomycin hydrochloride (aureomycin hydrochloride salt)—(a) Standards of identity, strength, quality, and purity.* Aureomycin hydrochloride is the yellow hydrochloride salt or crystalline hydrochloride salt of a kind of aureomycin or a mixture of two or more such salts. It is so purified and dried that:

(1) Its potency is not less than 900 micrograms per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) It contains no histamine or histamine-like substances;

(6) Its moisture content is not more than 2.0%;

(7) Its pH in saturated aqueous solution is 2.3 to 3.3;

(8) Its solution in water for injection U. S. P., prepared by adding 10 mg. (esti-

mated) of aureomycin per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gm., and each is packaged in combination with a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of milligrams in the immediate container;
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months, or if it is crystalline aureomycin 36 months, after the month during which the batch was certified; and
- (iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

- (i) Clinical indications;
- (ii) Dosage and administration, including method of preparation and strength of solutions for different routes of injection and local application;
- (iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions and a statement "Sterile solutions must be injected immediately after preparation";
- (iv) Contraindications; and
- (v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milli-

grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, crystallinity (if it is the crystalline salt), moisture, pH, and clarity. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than eight or more than 15 containers. Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing five approximately equal portions of at least 0.5 gm. each taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2), (3), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.202 *Aureomycin ointment (aureomycin hydrochloride ointment)*—

(a) *Standards of identity, strength, quality, and purity.* Aureomycin ointment is crystalline aureomycin in a suitable and harmless ointment base. Its moisture content is not more than 1%. The potency is not less than 1 mg. per gram. Its content of viable microorganisms is not more than 50 per gram. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraph (1), (2), (4), (5) and (8) of that section, but its potency is not less than 750 micrograms per milligram.

Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Aureomycin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than 1/4-ounce size if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled solely for hospital use, it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. Each such glass container shall be so sealed that the contents cannot be used without destroying such seal. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin ointment shall bear on its label or labeling as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container of the package:

- (i) The batch mark;
- (ii) The number of milligrams per gram in the batch; and
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

- (i) Clinical indications;
- (ii) Dosage and administration;
- (iii) Contraindications; and
- (iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.*

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

- (i) The batch; potency, moisture, and microorganism count.
- (ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than five packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; ten packages, containing approximately equal portions of not less than 60 mg. each, packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aureomycin ointment under the regulations in this part shall be:

(1) \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.203 *Aureomycin troches (aureomycin hydrochloride troches)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin troches are troches composed of crystalline aureomycin and one or more suitable and harmless diluents, binders, and lubricants, with or without one or more suitable and harmless colorings and flavorings. The potency of each troche is not less than 5 mg.; the moisture content is not more than 2%. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (1), (2), (4), (5), and (8) of § 146.201 (a), but its potency is not less than 750 micrograms per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each aureomycin troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of milligrams in each troche of the batch; and

(iii) The statement "Expiration date _____", the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a _____", the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such troches; or a reference to a brochure

or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(d) *Requests for certification; samples.*

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche and average moisture.

(ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made that the quantities made during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; 40 packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aureomycin troches under the regulations in this part shall be:

(1) \$1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for

the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.204 *Aureomycin capsules (aureomycin hydrochloride capsules)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin capsules are capsules composed of crystalline aureomycin, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, enclosed in a hard gelatin capsule. The potency of each capsule is not less than 50 mg. Its moisture content is not more than 2%. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (2), (4), and (5) of § 146.201 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each aureomycin capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin capsules shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each capsule of the batch;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repackaging, directions and precautions adequate for the use of such capsules by physicians or dentists or veterinarians, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including those from any buffer substance present.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin capsules shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule and average moisture.

(ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; ten packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, lubricant, coloring, and flavoring used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aureomycin capsules under the regulations in this part shall be:

(1) \$1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) of this section; and

(2) \$1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; and

(3) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.205 *Aureomycin powder (aureomycin hydrochloride powder)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin powder is a mixture of crystalline aureomycin and suitable and harmless diluents, colorings, and flavorings, with or without the addition of suitable buffer substances. Its content of aureomycin is not less than 15 mg. per gram of powder. Its moisture content is not more than 2%. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (2), (4), (5), and (8) of § 146.201 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container of aureomycin powder shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin powder shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams per gram in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repackaging, directions and precautions adequate for the use of such aureomycin powder by physicians or dentists or veterinarians, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including those for any buffer substance present.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.*

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin powder shall submit with his request a statement showing the batch mark, the number of packages on each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.
(ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100 immediate containers, unless each such container is packaged to contain more than 1 gm., in which case the sample shall consist of 1 gm. for each 5,000 immediate containers in the batch, but in no case less than 20 gm. or more than 100 gm. Such samples shall be collected by taking single immediate containers or 1-gm. portions at such intervals throughout the entire time the containers are being filled that the quantities made during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; ten packages, each containing approximately equal portions of not less than 60 mg., packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, coloring, and flavoring used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aureomycin powder under the regulations in this part shall be:

(1) \$1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.206 *Aureomycin ophthalmic (aureomycin hydrochloride ophthalmic)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin ophthalmic is crystalline aureomycin with or without one or more suitable and harmless buffers and diluents. Its moisture content is not more than 5%. The aureomycin is of such quantity that when dissolved as directed the potency of such solution is not less than 1,000 micrograms per milliliter and maintains its labeled potency after it has been kept for 2 days at a temperature of 15° C. (59° F.). Such solution has a pH of 8.2 ± 0.2 . Its content of viable microorganisms is not more than 25 per 25 milligrams. The aureomycin used conforms to the requirements of § 146.201 (a) except subparagraphs (2), (4), (5), and (8) of § 146.201 (a). Each buffer and diluent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of aureomycin ophthalmic shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5 mg., and each may be packaged in combination with a container of the solvent, distilled water U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;
(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified; and

(iv) If it is packaged in combination with a container of a solvent, the statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use, and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such aureomycin ophthalmic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such aureomycin ophthalmic, including:

(i) Clinical indications;
(ii) Dosage and administration;
(iii) Contraindications; and
(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.*

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin ophthalmic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each buffer and diluent used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each buffer and diluent used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, and content of viable microorganisms.

(ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; ten packages, each containing approximately equal portions of not less than 60 mg. packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each buffer and diluent used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i), \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.301 *Chloramphenicol* — (a) *Standards of identity, strength, quality, and purity.* Chloramphenicol is a white to grayish-white or yellowish-white crystalline powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula $D-(+)-threo-1-p-nitrophenyl-2-dichloroacetamido-1,3-propanediol$. It is so purified and dried that:

- (1) Its potency is not less than 900 micrograms per milligram;
- (2) It is sterile;
- (3) It is nontoxic;
- (4) It is nonpyrogenic;
- (5) It contains no histamine nor histamine-like substances;
- (6) Its moisture content is not more than 1%;
- (7) Its pH in saturated aqueous solution is not less than 4.5 and not more than 7.5;
- (8) Its specific rotation in absolute ethanol at 20° C. is $+20^{\circ} \pm 1.5^{\circ}$, and at 25° C. is $+18.5^{\circ} \pm 1.5^{\circ}$;
- (9) Its melting point is $151^{\circ} C. \pm 2^{\circ}$;
- (10) Its extinction coefficient $E_{1\%}^{1\text{cm}}$ is 298 ± 9 at 278 m μ when measured in aqueous solution.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gm., and each may be packaged in combination with a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of grams in the immediate container;
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified; and

(iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

- (i) Clinical indications;
- (ii) Dosage and administration, including method of preparation and strength of solutions for different routes of injection and local application;
- (iii) Contraindications; and
- (iv) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloramphenicol shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine, moisture, crystallinity, pH, specific rotation, melting point, and extinction coefficient. If such batch or any part

thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than 8 immediate containers or more than 15 immediate containers.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing ten approximately equal portions of at least 300 mg. each, taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches of chloramphenicol or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2), (3), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.302 *Chloramphenicol capsules* — (a) *Standards of identity, strength, quality, and purity.* Chloramphenicol capsules are capsules composed of chloramphenicol, with or without the addition of one or more suitable and harmless diluents, lubricants, colorings, and flavorings. The potency of each capsule is not less than 50 mg. Its moisture content is not more than 1%. The chloramphenicol used conforms to the requirements of § 146.301 (a), except subparagraphs (2), (4), (5), and (7) of § 146.301 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each chloramphenicol capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol capsules shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of milligrams in each capsule of the batch; and
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repacking, directions and precautions adequate for the use of such capsules by physicians or dentists or veterinarians, including:

- (i) Clinical indications;
- (ii) Dosage and administration;
- (iii) Contraindications; and
- (iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloramphenicol capsules shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection

with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(1) The batch; average potency per capsule and average moisture.

(2) The chloramphenicol used in making the batch; potency, toxicity, moisture, crystallinity, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; ten packages, each containing approximately equal portions of not less than 300 mg. each, packaged in accordance with the requirements of § 146.301 (b).

(iii) In case of an initial request for certification, each diluent, lubricant, coloring, and flavoring used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no sample referred to in subparagraph (3) (i) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of chloramphenicol capsules under the regulations in this part shall be:

(1) \$1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsule and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.401 *Bacitracin*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin is a white to brown, neutral water-soluble polypeptide. It is so purified and dried that:

- (1) Its potency is not less than 40 units per milligram;
- (2) It is sterile;
- (3) It is nontoxic;
- (4) It is nonpyrogenic;
- (5) Its moisture content is not more than 5%;
- (6) Its pH in aqueous solution of 10,000 units per milliliter is not less than 5.5 and not more than 7.5;

(7) Its solution in water for injection U. S. P. or physiological salt solution U. S. P., tested at concentrations of 1,000 and 10,000 units per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for topical use, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 50,000 units and may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with a container of an aqueous solution of a suitable local anesthetic.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of units in the immediate container;
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified; and

(iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," as the case may be, when packaged for repacking or for use as an ingredient in the manufacture of another drug.

(2) On the circular or other labeling within or attached to the package, if it is packaged for topical use, adequate directions for use and warnings as required by section 502 (f) of the act, including:

- (i) Clinical indications;
- (ii) Dosage and administration, including method of preparation and strength of solutions for local application;

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

- (iv) Contraindications; and
- (v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification, check tests and assays; samples.* (1) In addition

tion to complying with the requirements of § 146.2, a person who requests certification of a batch of bacitracin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, and clarity. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for topical use such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than six immediate containers or more than 13 immediate containers.

(3) If such batch is packaged for repackaging or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing six approximately equal portions of at least 500 mg. each, taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$4.00 for each immediate container in the sample submitted in accordance with paragraphs (d) (2), (3), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.402 *Bacitracin ointment—(a) Standards of identity, strength, quality, and purity.* Bacitracin ointment is bacitracin in a suitable and harmless ointment base. Its moisture content is not more than 1%. Its potency is not less than 500 units per gram. Its content of viable microorganisms is not more than 50 per gram. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (1), (2), (4), and (7) of § 146.401 (a), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Bacitracin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall be not larger than the 1/8-ounce size, if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except if it is labeled solely for hospital use, it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. Each such glass container shall be so sealed that the contents cannot be used without destroying such seal. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of bacitracin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch; and

(iii) The statement "Expiration date _____," the blank being filled in with the date which is not more than 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use, and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of bacitracin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, and microorganism count.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 mg., packaged in accordance with the requirements of § 146.401 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of bacitracin ointment under the regulations in this part shall be:

(1) \$4.00 for each package in the samples submitted in accordance with paragraphs (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.403 *Bacitracin tablets*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets are tablets composed of bacitracin with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 2.5%. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (1), (2), (4), and (7) of § 146.401 (a), but the potency is not less than 30 units per milligram. If it is represented to be used for inhalation therapy its content of viable microorganisms is not more than 50 per gram, and its potency is not less than 40 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each bacitracin tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of bacitracin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of units in each tablet of the batch;
- (iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repackaging, directions and precautions adequate for the use of such tablets by physicians or dentists or veterinarians, including:

- (i) Clinical indications;

- (ii) Dosage and administration;
- (iii) Contraindications; and
- (iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of bacitracin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture, and the content of viable microorganisms, if it is represented to be used for inhalation therapy.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 mg. each, packaged in accordance with the requirements of § 146.401 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, lubricant, coloring, and flavoring used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of bacitracin tablets under the regulations in this part shall be:

(1) \$1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.404 *Bacitracin troches*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin troches are troches composed of bacitracin and one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each troche is not less than 500 units. Its moisture content is not more than 2.5%. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (1), (2), (4), and (7) of § 146.401 (a), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each bacitracin troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of bacitracin troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

- (i) The batch mark;
- (ii) The number of units in each troche of the batch; and

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

- (i) The statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and
- (ii) A reference specifically identifying a readily available medical publication containing directions and precau-

tions (including contraindications and possible sensitization) adequate for the use of such troches; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of bacitracin troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche and average moisture.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities herein-after indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made, that the quantities made during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 mg., packaged in accordance with the requirements of § 146.401 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of bacitracin troches under the regulations in this part shall be:

(1) \$1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to

determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.405 *Bacitracin with vasoconstrictor; bacitracin with ----- (the blank being filled in with the common or usual name of the vasoconstrictor)—(a) Standards of identity, strength, quality, and purity.* Bacitracin with vasoconstrictor is a dry mixture of bacitracin and a suitable vasoconstrictor, with or without suitable buffer substances and preservatives, or it is a packaged combination of one immediate container of bacitracin and one immediate container of a solution of a suitable vasoconstrictor, with or without suitable buffer substances and preservatives. The bacitracin is of such quantity that when dissolved as directed the potency of such solution is not less than 200 units per milliliter, and maintains its labeled potency after it has been kept for 7 days at a temperature of 15° C. (59° F.). Such solution is isotonic, and has a pH of 6.0±0.5. The moisture content of the dry mixture of bacitracin with vasoconstrictor is not more than 2.5%, and its content of viable microorganisms is not more than 25 per gram. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (2), (4), and (7) of § 146.401 (a), but its content of viable microorganisms is not more than 50 per gram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate container of the dry mixture of bacitracin with vasoconstrictor may be packaged in combination with an immediate container of a suitable diluent.

(c) *Labeling.* Each package of bacitracin with vasoconstrictor shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the bacitracin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) If it is a packaged combination of one immediate container of bacitracin and one immediate container of a vasoconstrictor, the statement "Expiration date -----," the blank being filled in with the date which is 18 months after the month during which the batch was certified. If it is the dry mixture of bacitracin with vasoconstrictor, the statement "Expiration date -----,"

the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the bacitracin and, if it is not a packaged combination, a statement that distilled water U. S. P. should be used;

(ii) The potency per milliliter after the bacitracin has been dissolved therein;

(iii) The statement "Warning: Not for injection."; and

(iv) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and a statement "The solution may be kept in a refrigerator for one week without significant loss of potency."

(3) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled:

(i) The statement "Caution: To be dispensed only by or on the prescription of a -----," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of bacitracin with vasoconstrictor; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(4) If intended solely for veterinary use, directions and precautions adequate for the use of such bacitracin with vasoconstrictor, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than such containers.

(d) *Request for certification; samples.*

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of bacitracin with vasoconstrictor shall submit with his request a statement showing the batch mark, the number of packages in such batch, the number of units in each immediate container, and (unless it was previously submitted) the date on which the latest assay of the bacitracin included in such batch was completed, the quantity of each ingredient used in making the batch of the dry mixture of bacitracin with vasoconstrictor, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The bacitracin included in the packaged combination and the bacitracin used in making the batch of the dry mixture of bacitracin with vasoconstrictor; potency, microorganism count, toxicity, moisture, and pH.

(ii) The solution after the bacitracin has been dissolved therein; potency.

(iii) The batch of the dry mixture of bacitracin with vasoconstrictor; potency, microorganism count, and moisture.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The bacitracin for inclusion in the packaged combination of bacitracin with vasoconstrictor; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, if the bacitracin used has been previously submitted, and not less than 40 immediate containers or more than 100 immediate containers if the bacitracin used has not been previously submitted, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dry mixture of bacitracin with vasoconstrictor; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(iii) The bacitracin used in making the batch of the dry mixture of bacitracin with vasoconstrictor; six packages, each containing approximately equal portions of not less than 500 mg. each, packaged in accordance with the requirements of § 146.401 (b).

(iv) In case of an initial request for certification of a batch of a dry mixture of bacitracin with vasoconstrictor, each other substance used in making the batch; one package of each containing approximately 5 gm.

(v) In case of an initial request for certification of the packaged combination of bacitracin with vasoconstrictor, or when any change is made in the composition of such solution; five packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no samples referred to in subparagraph (3) (i) and (iii) of this paragraph, are required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of bacitracin with vasoconstrictor under the regulations in this part shall be:

(1) \$1.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) and (ii) of this section, or \$2.00 if no such sample is submitted; \$4.00 for each package submitted in accordance with paragraph (d) (3) (iii), (iv), and (v) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay for the determination of the strength, quality, and purity of aureomycin hydrochloride, aureomycin ointment, aureomycin troches, aureomycin capsules, aureomycin powder, aureomycin ophthalmic, chloramphenicol, chloramphenicol capsules, bacitracin, bacitracin ointment, bacitracin tablets, bacitracin troches, and bacitracin with vasoconstrictor and which provides for certification of said drugs, shall become effective upon publication in the *FEDERAL REGISTER*, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the marketing of these drug products.

(Sec. 507, 52 Stat. 1040 as amended by sec. 507, 59 Stat. 463, 61 Stat. 11, Pub. Law 164, 81st Cong.; 21 U. S. C. 357)

Dated: August 8, 1949.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 49-6601; Filed, Aug. 12, 1949; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

PART 144—CHARTER AND BYLAWS

RESERVES, SURPLUS, AND DISTRIBUTION OF EARNINGS

Title 24, § 144.1 as published at 14 F. R. 3984-3985, dated July 16, 1949, is hereby corrected to conform with action of the Home Loan Bank Board by adding at the end of paragraph 10 of Charter N therein the following:

Notwithstanding any other provision of its chapter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

Notice of the proposed adoption of the foregoing sentences appearing at the end of Paragraph 7 of Charter N in 24 CFR 144.1, is published at 14 F. R. 1105, dated March 11, 1949.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 49-6592; Filed, Aug. 12, 1949; 8:45 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KANSAS

The Rent Regulations under the Housing and Rent Act of 1947, as amended, are corrected in the following respects:

1. In Item 3 of Amendment 137 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12¹) the description of the counties in the Great Bend, Kansas, Defense-Rental Area, is corrected to read as follows:

Ellis.
Pawnee.

2. In Item 3 of Amendment 133 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92¹), the description of the counties in the Great Bend, Kansas, Defense-Rental Area, is corrected to read as follows:

Ellis.
Pawnee.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. 1894 (d))

This correction is effective as of July 28, 1949.

Issued this 10th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6638; Filed, Aug. 12, 1949; 8:50 a. m.]

[Controlled Housing Rent Reg., Amdt. 149]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

¹ 14 F. R. 4803, 4804.

1. Schedule A, Item 242c, is amended to describe the counties in the Defense-Rental Area as follows:

Garvin, except the City of Lindsay; and Seminole, except that portion of the line between Ranges 6 and 7, and except that portion of the City of Maud, which is located in Seminole County.

This decontrols from §§ 825.1 to 825.12 the City of Lindsay in Garvin County, Oklahoma, a portion of the Ada, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 244a, is amended to read as follows:

(244a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the Cities of Duncan and Marlow in Stephens County, Oklahoma, a portion of the Duncan, Oklahoma, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

3. Schedule A, Item 250, is amended to describe the counties in the Defense-Rental Area as follows:

Oklahoma, except the Cities of Bethany, Edmond and Warr Acres.

This decontrols from §§ 825.1 to 825.12 (1) the Cities of Edmond and Warr Acres in Oklahoma County, and the City of El Reno in Canadian County, Oklahoma, all being portions of the Oklahoma City, Oklahoma, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Canadian County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 251, is amended to describe the counties in the Defense-Rental Area as follows:

Osage; Tulsa, except the Town of Highland Park.

This decontrols from §§ 825.1 to 825.12 the Town of Highland Park in Tulsa County, Oklahoma, a portion of the Tulsa, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective August 10, 1949.

Issued this 10th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6614; Filed, Aug. 12, 1949; 8:47 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 145]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 242c, is amended to describe the counties in the Defense-Rental Area as follows:

Garvin, except the City of Lindsay; and Seminole, except that portion of the line between Ranges 6 and 7, and except that portion of the City of Maud, which is located in Seminole County.

This decontrols from §§ 825.81 to 825.92 the City of Lindsay in Garvin County, Oklahoma, a portion of the Ada, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 244a, is amended to read as follows:

(244a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the Cities of Duncan and Marlow in Stephens County, Oklahoma, a portion of the Duncan, Oklahoma, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

3. Schedule A, Item 250, is amended to describe the counties in the Defense-Rental Area as follows:

Oklahoma, except the Cities of Bethany, Edmond and Warr Acres.

This decontrols from §§ 825.81 to 825.92 (1) the Cities of Edmond and Warr Acres in Oklahoma County, and the City of El Reno in Canadian County, Oklahoma, all being portions of the Oklahoma City, Oklahoma, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Canadian County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 251, is amended to describe the counties in the Defense-Rental Area as follows:

Osage; Tulsa, except the Town of Highland Park.

This decontrols from §§ 825.81 to 825.92 the Town of Highland Park in Tulsa County, Oklahoma, a portion of the Tulsa, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62

Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective August 10, 1949.

Issued this 10th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6615; Filed, Aug. 12, 1949; 8:47 a. m.]

**TITLE 32—NATIONAL DEFENSE
TITLE 34—NATIONAL MILITARY
ESTABLISHMENT**

**REORGANIZATION AND RENUMBERING OF
TITLES 32 AND 34**

EDITORIAL NOTE

Section 4 of the National Security Act Amendments of 1949, approved August 10, 1949 (Pub. Law 216, 81st Cong.), converted the National Military Establishment into an Executive Department of the Government, to be known as the Department of Defense. This law makes necessary the following changes in Titles 32 and 34 of the Code of Federal Regulations:

1. The regulations now comprising Chapters I, III, and VI of Title 32 are renumbered as Chapters XI, XIII, and XVI of that title. Part and section numbers in the renumbered chapters are changed by adding the digit "1" at the left of all such numbers. Thus, Part 101 of Chapter I becomes Part 1101 of Chapter XI, and § 602.1 of Chapter VI becomes § 1602.1 of Chapter XVI.

2. Subtitles A and B of Title 34 together with Chapters I through VII, are transferred to Title 32 without change of subtitle, chapter, part or section numbers.

3. Title 34 is vacated.

4. The structure of and chapter assignment in Title 32, as so reorganized, are as follows:

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense.

Subtitle B—Department of Defense:

Chapter I—Munitions Board.

Chapter II—Research and Development Board.

Chapter III—Joint Chiefs of Staff.

Chapter IV—Joint Regulations of the Armed Forces.

Chapter V—Department of the Army.

Chapter VI—Department of the Navy.

Chapter VII—Department of the Air Force.

Subtitle C—Other Regulations Relating to National Defense:

Chapter XI—National Guard and State Guard, Department of the Army.

Chapter XIII—Bureau of Mines, Department of the Interior.

Chapter XVI—Selective Service System.

**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter II—Bureau of Reclamation,
Department of the Interior**

**PART 401—APPLICATIONS FOR ENTRY ON
LANDS IN FEDERAL RECLAMATION PROJ-
ECTS**

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 401.19 of Part 401 is amended to read as follows:

§ 401.19 *Final examination.* (a) The board shall examine, in the order drawn, a sufficient number of applications to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in paragraph (d) of § 401.8, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in § 401.10. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

2. Section 401.20 of Part 401 is amended by the addition of paragraph (d) reading as follows:

§ 401.20 *Order of selection of farm units.* * * *

(d) In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualification prescribed by the notice, without regard to veterans preference.

3. Section 401.28 of Part 401 is amended to read as follows:

§ 401.28 *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such re-

linquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under the public notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in paragraph (b) of this section.

(b) If an entry is relinquished or cancelled at any time after the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

(Sec. 4, 43 Stat. 702; 43 U. S. C. 433)

Dated: August 2, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-6595; Filed, Aug. 12, 1949;
8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 2, Amdt. 4]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

PREOPERATING AND OPERATING EXPENSES

1. Effective with respect to applications (and amendments of prior applications) received by the Commission

after the date of publication of this amendment in the FEDERAL REGISTER, paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by striking out the tabulation following the colon in the first paragraph of Amendment 1 of Supplement 2 to General Order 60 (12 F. R. 2409), and inserting in lieu thereof the following:

Vessel type	Insurance (for 1-year)	Other expenses	Total
C1A (turbine).....	\$33,000	\$81,000	\$114,000
C1A (Diesel).....	33,000	85,000	118,000
C1B (turbine).....	36,000	81,000	117,000
C1B (Diesel).....	36,000	86,000	122,000
C1-M-AV1 (Diesel).....	45,000	65,000	110,000
C1-MT-BU1 (Diesel).....	35,000	65,000	100,000
C1-S-D1 (steam reciprocating).....	73,000	65,000	138,000
C2S (turbine).....	79,000	91,000	170,000
C2-S-A1 (turbine).....	77,000	97,000	174,000
C2-S-AJ1 (turbine).....	55,000	90,000	145,000
C2-S-B1 (turbine).....	52,000	91,000	143,000
C2-SU Reefer (Diesel).....	90,000	106,000	196,000
C2-SU Standard (Diesel).....	79,000	103,000	182,000
C3E (turbine).....	73,000	102,000	175,000
C3-S-A2 (turbine).....	62,000	105,000	167,000
C3-S-A3 (turbine).....	73,000	100,000	173,000
C4-S-A3 (turbine).....	87,000	261,000	348,000
C4-S-B5 (turbine).....	69,000	116,000	185,000
EC2-S-AW1 (steam reciprocating).....	60,000	84,000	144,000
EC2-S-C1 (steam reciprocating).....	62,000	72,000	134,000
N3-M-A1 (Diesel).....	20,000	61,000	81,000
N3-S-A1 (coal burning).....	20,000	64,000	84,000
N3-S-A2 (oil burning).....	20,000	65,000	85,000
R1-M-AV3 (Diesel).....	44,000	69,000	113,000
R2-S-BV1 (turbine).....	90,000	97,000	187,000
R2-ST-AU1 (reefer).....	107,000	120,000	227,000
S4-SE2-BD1 (turbine electric).....	80,000	99,000	179,000
S4-SE2-BE1 (turbine electric).....	80,000	99,000	179,000
P2-S2-R2 (turbine).....	192,000	366,000	558,000
P2-SE2-R3 (turbine).....	262,000	370,000	632,000
VC2-S-AP2 (turbine).....	70,000	91,000	161,000
VC2-S-AP3 (turbine).....	76,000	99,000	175,000
T1-M-BT (Diesel).....	56,000	59,000	115,000
T2 Hulls 142-149, 157-159 (turbine).....	97,000	103,000	200,000
T2-SE-A1 (turbine electric).....	77,000	94,000	171,000
T3-S-A1 (turbine).....	74,000	98,000	172,000
Z-ET1-S-C3 (steam reciprocating).....	62,000	76,000	138,000

(60 Stat. 41; 50 U. S. C. App. 1735)

Dated: July 28, 1949.

By order of the United States Maritime Commission.

[SEAL]

R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 49-6600; Filed, Aug. 12, 1949;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 965]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agree-

ments and orders (7 CFR, Supps., 900.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Build-

ing, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after its publication in the FEDERAL REGISTER.

Preliminary statement. A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, on the request of The Cincinnati Sales Association and the Cooperative Pure Milk Association, and was convened on February 10 and 11, 1949. The hearing was reopened on June 9 and 10 upon direction of the Secretary for the purpose of giving interested parties an opportunity to present additional evidence on the several issues involved. The period un-

til July 5 was reserved for the filing of briefs on the evidence taken at the reopening of the hearing.

The material issues presented on the record of such hearing and covered by this decision were whether the order should be amended to provide for:

1. A price increase to producers for milk meeting "Grade A" quality requirements and the computation of separate uniform prices for "Grade A" and "Grade B" milk;

2. Adoption of specific Class I and Class II prices for a limited period in 1949 in substitution for prices determined by formula;

3. Elimination of the seasonal decrease (April, May, June, and July) in the Class I and Class II price differentials;

4. Revision of the definitions of "producer" and "handler";

5. Adoption of a "supply-demand" price adjustment provision to be based on the percentage of producer milk in Class III milk in a specified period;

6. Revision of the definition of "delivery period;" and

7. Revision of the definition of Class II milk.

(1) A short-term price increase should be provided for producers producing "Grade A" milk under the requirements of the City of Cincinnati and Hamilton County, Ohio, Boards of Health; producers of "Grade B" milk should receive a reduced uniform price; and a "supply-demand" price adjustment provision should be adopted to apply for February and March 1950.

The producers' associations proposed an increase of 40 cents per hundredweight of milk payable to those producers identified, under the health regulations in effect in the marketing area, as producing milk of "Grade A" quality during the delivery period. Under one proposal the 40 cent increase would be applied to all milk utilized as Class I and Class II milk and the resulting amount would be distributed over all Grade A milk delivered. Under an alternate proposal the Grade A milk delivered by producers would be allocated to the three classifications of milk in series beginning with Class I milk and the additional value of that portion of Grade A milk allocated to Class I and Class II milk would be computed at the rate of 40 cents per hundredweight. The total amount calculated under the second proposal then would be prorated to the Grade A milk as an addition to the regular uniform price in the same manner as that provided for under the first proposal.

The City of Cincinnati and the County of Hamilton, Ohio have enacted new and substantially similar health ordinances. These ordinances provide for more rigid requirements on all producers desiring to produce milk eligible for consumption as fluid milk in the marketing area. The Cincinnati ordinance was passed in November 1948 while the county ordinance was passed in February of this year. Under both ordinances producers were allowed until July 1 of this year to meet the new standards. The ordinance of the City of Cincinnati covers approximately 95 percent of the

milk of producers shipping to the marketing area.

Under the revised Cincinnati ordinance the bacterial count of the raw milk delivered by producers must not exceed 200,000 per c. c., whereas the previous regulation required not more than 1,000,000 per c. c. Each producer's milk will be subject to frequent testing and will be "graded" on the basis of the average of the four most recent tests. A producer whose milk is "degraded" from the Grade A standard will be allowed (except in extenuating circumstances) a period of 60 days for reinstatement before his permit as a producer is revoked and during such period as he is degraded he will be known as a producer of "Grade B" milk. Such producers will continue under inspection during this period. Producers of Grade B milk will be required to maintain the same physical equipment as Grade A producers and may become producers of Grade B milk for such temporary period only as the result of degrading from the category of producers of Grade A milk. Announcements of grades will be made each month following June 1949 and will be effective only as to future months. The new ordinance also makes mandatory the cooling of milk at the farm by mechanical refrigeration. The staff of the health department has been enlarged to carry out ordinance enforcement. A representative of the State Health Department testified that the new ordinance is substantially similar in its production requirements for Grade A milk to that passed by the Board of Health for the neighboring market of Dayton, Ohio, under which July 1 of this year was set as the effective date for the determination of grades. Under the new regulations in the Cincinnati market Grade B milk may be used for ice cream, buttermilk, and cottage cheese but not for fluid milk, flavored milk, or fluid cream.

It was testified that compliance with the more stringent regulations will require additional time and effort by most producers to prevent degrading or the revocation of their farm permits. A representative of the county health department stated that extra labor will be involved in the care to be given to the cleanliness of the cows, barn, and utensils used. A witness representing a cooperative stated that his organization is selling 2 to 3 times as much washing compound and chlorine as it sold before the new ordinance was passed, and that producers are finding it necessary to cleanse utensils more thoroughly and to sterilize milk cans in order to meet the lower bacterial requirements. Also, barns must be kept in better condition because of more frequent inspections. Similar views were presented by other witnesses. It was estimated that between 1-2 hours additional work a day will be necessary. Average farm wages were stated to be 80 cents per hour. It was testified further that farmers are perturbed over the extra costs involved in meeting the stricter requirements in the face of the lower returns for milk experienced in recent months.

The decrease in feed prices in the early months of this year from the level

which prevailed in the same months last year was slightly more than the decline in the Class I prices between the same two periods.

Records of milk deliveries and sales show that prior to the effective date of the new health ordinance supplies of producer milk rapidly were approaching the level necessary to supply adequately the needs of the market in the months of seasonally short production. In 1946 over 13.8 million pounds of emergency milk were received by handlers to supplement their producer milk supply. In 1947 this fell to slightly over 9.9 million pounds and in 1948 to a little less than 3.8 million pounds. The quantity of such milk received in 1949 has been insignificant in comparison with total market receipts. On the other hand, the increase in annual producer milk receipts for each of the years 1946-1948 over the preceding year were approximately 4 million, 20 million, and 15 million pounds, respectively. The increase in 1948 over 1947 was equivalent to 5 percent of producer receipts. In the months of September through December 1948, production exceeded the level of the corresponding months the year before by 5.3, 8.6, 17.1 and 23.2 percent, respectively. April 1949 production was greater than April 1948 production by 19.2 percent.

The increase in producer milk was due almost entirely to the increase in the number of dairy farms supplying the market since the annual average daily milk deliveries per farm have varied only six-tenths of a pound during the last four years. The average number of producers increased from 4,886 in 1946 to 5,238 in 1947, and 5,507 in 1948. The number in April 1949 was 5,877. A number of producers of qualified milk was added to the market in the early fall of last year with the entrance of a new plant into the market. Such plant represented 2.6 million pounds of the 15.4 million pound increase in producer milk in 1948 and about 175 of the increase of 499 in the number of producers between December 1947 and December 1948.

Of the annual increase in production of 15 million pounds in 1948 over 1947, 6.2 million pounds were classified as Class I and Class II milk. The annual increase in the volume of Class III milk was 9.3 million pounds, but 3.6 million pounds of this increase were utilized for ice cream which requires inspected milk. The percentage increase in Class I use in 1948 as compared with 1947 was 1.1 percent as compared with the 5 percent increase in production. In the short production months of September through December, producer milk increased over 11 million pounds from the same four months the year before while a similar comparison of Class I sales showed no appreciable change. It is noteworthy, however, that although production increased substantially more than utilization of Class I milk during the past year, the quantity of "excess" producer milk carried in the market in 1948 after all demands on inspected milk were satisfied amounted to less than 7.0 percent of producer receipts and that in the same 12-month period emergency milk was brought into the market in an amount equal to 1.2 percent of producer receipts. It may be noted

also that the increase in milk supply attributable to the entrance of a new plant into the market in September 1948 is included in the 11 million pound increase shown for September through December 1948. This supply of milk was brought into the market at a cost to handlers which reflects a transportation charge of 25 cents per hundredweight and other plant and handling charges paid in addition to the Class I price. Handlers testified that such milk was needed by them in their fluid milk operations. It is pointed out in another part of this decision that a seasonal production problem exists in the spring months. On the other hand, the total delivery of milk in the months of seasonally short production cannot be termed excessive, and if any substantial number of producers were lost to the market through the application of the revised health requirements, it is likely that in the fall months a shortage would occur.

Because of the impact of the new health ordinance it is desirable to give producers a further incentive to maintain the delivery of Grade A milk during the coming months of seasonally short production at a level sufficient to cover the market's need for Grade A supplies. It is concluded that a 15 cent per hundredweight increase on Class I and Class II milk to be effective until the end of January 1950 will accomplish this and yet maintain a reasonable alignment of Class I prices in Cincinnati with other nearby markets. On the other hand, whatever added costs are incurred by producers in maintaining production under the recently adopted health ordinance will be reflected in the actual delivery of milk in the coming months and such 15 cent increase in price should be continued beyond January 1950 only if supplies are insufficient during months of short production. If a decrease in supplies occurs it may be compensated for effectively through a price adjustment based upon the percentage relationship of total producer receipts to the utilization of Class I milk in the months of seasonally short production. In October, November and December 1948 producer receipts were approximately 130 percent of Class I sales and relatively small quantities of emergency milk were brought into the market at that time. Production in each month in 1949 to date has been higher than in the same month of 1948. Therefore, the 15 cent per hundredweight increase on Class I and Class II milk should not be extended through March 1950 unless total producer receipts are less than 130 percent of the gross volume of Class I milk in the months of October, November and December 1949. Since both Class I milk and producer receipts are computed on an actual weight basis whereas Class III milk is computed on a "milk equivalent of butterfat" basis, the percentage relationship of producer receipts to Class I milk is considered a more satisfactory basis of gauging the supply-demand condition in this market than the percentage of Class III milk to total receipts. Although a supply-demand adjustment to apply for the fall months in 1950 and for corresponding months in subsequent years may be desirable, further price ad-

justment on this basis for periods in the distant future should not be adopted until after a general review in hearing of the principal provisions of the order to determine whether the classification plan and price formulas now in effect should be revised under current marketing conditions.

As indicated previously, it was proposed that Grade A producers be granted a price for Grade A milk allocated to Classes I and II 40 cents higher than that which is now received by all producers. Under the proposal submitted the uniform price would be computed by using class prices derived from the formulas currently in effect and Grade A producers would receive in addition to such uniform price a premium reflecting the value of their milk allocated to Classes I and II computed at a price of 40 cents per hundredweight. As further encouragement to an adequate production of Grade A milk the producers of such milk should receive a return 40 cents per hundredweight higher than that received by the producers of Grade B milk. However, this should be accomplished by revising the uniform price computation provisions in a manner that will achieve a 40 cent per hundredweight difference in the uniform price to be paid the producers of Grade B milk as compared with the uniform price to be paid Grade A producers. The origin of the producer of Grade B milk as a degraded Grade A producer who continues to hold his permit temporarily provides for the assumption that such producer will make an effort to be reinstated as a Grade A producer within a 60-day period after degrading takes place. If this were not a fair assumption, then there would be little reason for degrading in lieu of immediate revocation of the farm permit. Such producers have made the capital expenditures for the production of Grade A milk. It is felt in these circumstances that although the Grade B producer should receive a lesser price than the Grade A producer because of degrading and the limitations placed on the use of Grade B milk, it is neither necessary nor desirable in the interest of maintaining an adequate supply of Grade A milk to reduce the price he receives to the price level for manufacturing milk. The price to be received by the Grade B producer under this plan should assist him in becoming reinstated as a producer of Grade A milk within the 60-day period allowed under the health requirements.

(2) Fixed Class I and Class II prices for a limited period in 1949 should not be provided.

Producers' organizations proposed that the price of Class I milk be fixed at \$5.00 per hundredweight and the price of Class II milk at \$4.55 per hundredweight for milk of 4 percent butterfat content for the month of March 1949 and that the prices of Class I and Class II milk for the months of April, May and June 1949 be fixed at \$4.80 and \$4.35, respectively.

In a recommended decision issued by the Assistant Administrator, Production and Marketing Administration, on March 21, 1949, on the basis of the February portion of this hearing, it was concluded that it was not necessary to adopt fixed

Class I and Class II prices for months prior to July 1, 1949, for the purpose of guarding against either a collapse in prices or a strong upward price movement. At the reopened hearing no further testimony was offered on this issue because the time period involved had already expired. It is concluded therefore that no action should be taken on this proposal.

(3) The seasonal decrease of 30 cents in the Class I and Class II price differentials for the months of April, May, June and July should not be eliminated.

One producers' association proposed that beginning July 1, 1949, the Class I price be determined each month throughout the year by adding \$1.35 to the Class III milk price and the Class II price be determined by adding 90 cents to the Class III milk price. Proponents stated in support of such proposal that seasonal changes in class price differentials had not produced the intended results. The order currently provides that the Class I and Class II prices shall be determined for the delivery periods of April, May, June and July by adding \$1.05 and 60 cents, respectively, to the Class III milk price and for all other delivery periods by adding \$1.35 and 90 cents, respectively.

The provision for seasonally lower differentials in April through July to encourage a more uniform production of milk throughout the year was not more effective until July 25, 1947, and operation of the provision was suspended under emergency circumstances for the months in which it would have been effective in 1948. The lower differentials thus became effective for the first time in April 1949.

The record of milk production and sales shows a seasonal production problem. In 1948 producer receipts in June were 183 percent of the November level. In contrast, producer receipts in the Columbus market showed a corresponding seasonal variation of 141 percent, in the Dayton-Springfield market 146 percent, and in the Toledo market 135 percent. In June, 14.6 million pounds of producer milk were classified as Class III milk and less than 1.4 million pounds in November. Although the evidence indicates that much of the summer production is stored in the form of cream and condensed skim milk for later use as ice cream it shows further a handling problem for some Cincinnati handlers during the flush production season because of the wide seasonal variation.

While this proposal would not be effective in 1949, it would bring about an increase of 30 cents per hundredweight for Class I and Class II milk in the months of April, May, June and July in succeeding years. The record of production and sales in the market, as cited in this decision, does not support the need of such an increase in prices in these particular months. It is concluded therefore that the seasonal decrease in the differentials for Class I milk and Class II milk for the months of April, May, June and July should not be abandoned.

(4) The "producer" and "handler" definitions should not be changed.

Producers proposed that the definitions of "producer" and "handler" be changed so as to apply the term "producer" only to those dairy farmers whose milk is received at plants from which fluid milk is "distributed" within the marketing area, and the term "handler" to persons who dispose of milk in the marketing area to outlets other than such distributing plants. Definitions currently in the order include as a handler any person handling milk (other than emergency milk or milk of his own production) which is disposed of in the marketing area, including disposition only to other handlers. Likewise, dairy farmers meeting health department requirements may qualify as producers by delivering milk to a person who has qualified as a handler by disposing of milk (other than emergency milk) in the marketing area, including a disposal to another handler.

Proponents claimed that the definitions now in effect allow plants distant from the market to qualify as handler plants and dairy farmers furnishing milk to such plants to qualify as producers. Dairy farmers distant from the market may thus receive the benefit of the prices set by the order for milk delivered to the marketing area while delivering milk to a distant plant. This situation presents the possibility, it was claimed, that a large volume of milk not needed in the marketing area may participate in the market pool to the disadvantage of producers regularly supplying milk to the market. For these reasons it was proposed that in order to qualify as a handler a person should be required to operate a plant from which milk is distributed within the marketing area, and that only dairy farmers delivering milk to such a plant should be qualified as producers.

Facts disclosed at the hearing indicate that only one handler now operating a distant plant would be excluded from the pool by the proposal. Dairy farmers presently qualified as producers at this plant hold Cincinnati health department permits, and their farms are fully approved for production of milk meeting health department standards. This plant, prior to its approval to ship fully qualified milk, furnished substantial quantities of emergency milk to the Cincinnati market. Since qualifying as a handler plant, a large proportion of the Cincinnati inspected milk received by this plant has been furnished to Cincinnati handlers in the months of short supply (78% in October 1948, 93% in November, 91% in December and 86% in January 1949). It was shown also that this milk was needed by the market in these months, for some emergency milk was received in addition in each of such months, although in relatively small amounts.

From the foregoing it does not appear appropriate to limit the application of the definition of handler in the manner proposed. Similarly, there is no justification for excluding as a producer a dairy farmer qualified by the Cincinnati health department and regularly supplying Grade A milk to the market solely on the basis that his milk is delivered to a plant which supplies plants of other handlers rather than to a plant distributing

milk directly to consuming outlets in the marketing area. A need may arise for limiting handler status to plants regularly supplying the market by requiring that certain delivery conditions be met for qualification, but the record does not indicate what such requirements should be or that there is a present need for such limitation.

It was recommended following the February portion of the hearing that returns to producers and costs to handlers should be adjusted by the adoption of a location adjustment on milk delivered by producers to plants more than 70 miles from the Cincinnati City Hall. Exceptions were taken to this recommendation by both producers and handlers. It appears from additional evidence at the reopened hearing that no serious problem is involved at the present time and that further study of the situation is desirable. It is concluded therefore that no change should be made in the definitions of "producer" and "handler" at this time.

(5) A "supply-demand" price adjustment provision to be based on the percentage of producer milk in Class III milk should not be adopted.

Producers' organizations originally proposed an increase of 30 cents in the Class I and Class II price differentials for the months of April through July and fixed Class I and Class II prices for certain months in 1949. In the recommended decision of March 21, 1949, based on evidence introduced in the February portion of the hearing, it was concluded that while neither of these proposals should be adopted, a "supply-demand" Class I and Class II price increase of 15 cents should be provided for the months of October through January whenever less than 26 percent of producer milk is classified as Class III milk in the 12 months ending with the preceding August. At the reopened hearing a producers' organization proposed a similar type of adjustment based, however, on the classification of less than 40 percent of producer milk as Class III milk in the months July and August preceding.

It was concluded in connection with issue (1) that a modified "supply-demand" adjustment provision should be adopted. It is concluded therefore that no further action should be taken on this type of provision at this time.

(6) The definition of "delivery period" should not be revised.

It was proposed that the definition of "delivery period" be revised for the purpose of clarifying it in its application to amendments which may be placed in effect on a date other than the first day of a month and to delete from the order a portion of the definition which had meaning only with respect to the first delivery period the order was in effect several years ago and which has outlived its usefulness.

It was concluded in the recommended decision issued in March that the proposed revision of the definition should be adopted. However, upon review of the matter it appears that immediate revision of the definition is not imperative and that a revision might better be considered at such time as a complete redraft of the order is in prospect.

Therefore, it is concluded that the definition should not be changed at this time.

(7) The definition of Class II milk should not be revised.

It was proposed by a producers' organization that the definition of Class II milk be revised by adding the words "and any and all dairy products offered for sale containing 10% or more butterfat other than cream used in the manufacture of butter." This proposal was revised subsequently to exclude from consideration the possible reclassification of cheddar cheese and ice cream from Class III to Class II milk. It appears that the proposed amendment is designed primarily to classify the products "Reddi-Wip" topping and "Instant Whip" as Class II milk.

Review of the evidence indicates that the subject of proper classification of such products was not considered sufficiently to provide a basis for a determination that the Class II milk definition should be revised. It is concluded therefore that no change should be made in the definition at this time.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' associations, a majority of the handlers subject to Order No. 65, and the Consumer Conference of Greater Cincinnati. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the hearing.

tion with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. Substitute a colon for the period at the end of § 965.2 (e) and add the following proviso: "Provided, That any producer whose milk has been approved as 'Grade A milk' by an appropriate health authority for any month, or portion thereof, shall be a 'Grade A producer' for such month, and any producer whose milk has not been so approved shall be a 'Grade B producer'."

2. Delete the proviso in § 965.6 (a) (1) and substitute therefor the following: "Provided, That through January 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight: And provided further, That for the delivery periods of February and March 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight if the total receipts of milk from producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

3. Delete the proviso in § 965.6 (a) (2) and substitute therefor the following: "Provided, That through January 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight: And provided further, That for the delivery periods of February and March 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight if the total receipts of milk from producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

4. Delete § 965.7 and substitute therefor the following:

§ 965.7 *Computation and announcement of uniform prices for Grade A producers and Grade B producers—(a)*

Computation of uniform price for Grade A producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed in § 965.6 (c) for all handlers except those of handlers who failed to make the payments to the producer-settlement fund as required by § 965.8 (b) for the preceding delivery period;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter described under § 965.6 (a) (3) was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.12 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.12 (b);

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by \$0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph (1) not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for each delivery period for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B producers.* For each delivery period, the market administrator shall

compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such delivery period for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

(c) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform prices for milk and of the price for Class III milk, and shall make public announcement of the uniform price computations. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to § 965.9 and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.4 (a).

5. Delete § 965.9 (a) (1) and substitute therefor the following:

(1) Multiply the hundredweight of milk received from each Grade A producer by the uniform price for Grade A milk (§ 965.7 (a) (7)), or in the case of a Grade B producer, multiply the hundredweight of milk received by the uniform price for Grade B milk (§ 965.7 (b)): *Provided*, That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent difference above or below 3.5 percent, 5 cents if the average price of butter described in § 965.6 (a) (3) was more than 40 cents, but not more than 50 cents, such amount (5 cents) to be increased or decreased, as the case may be, by one cent for each 10 cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents."

Filed at Washington, D. C., this 10th day of August 1949.

[SEAL]

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-6637; Filed, Aug. 12, 1949; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY Office of the Secretary

TWO PERCENT TREASURY BONDS OF
1949-51

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2 percent Treasury Bonds of 1949-51, dated July 15, 1942, due December 15, 1951, are hereby called for

redemption on December 15, 1949, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

JOHN W. SNYDER,
Secretary of the Treasury.

AUGUST 12, 1949.

[F. R. Doc. 49-6603; Filed, Aug. 12, 1949; 8:49 a. m.]

TWO AND ONE-HALF PERCENT TREASURY BONDS OF 1949-53

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2½ percent Treasury Bonds of 1949-53, dated December 15, 1936, due December 15, 1953, are hereby called for redemption on December 15, 1949, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

JOHN W. SNYDER,
Secretary of the Treasury.

AUGUST 12, 1949.

[F. R. Doc. 49-6604; Filed, Aug. 12, 1949;
8:49 a. m.]

THREE AND ONE-EIGHTH PERCENT TREASURY BONDS OF 1949-52

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 3⅞ percent Treasury Bonds of 1949-52, dated December 15, 1934, due December 15, 1952, are hereby called for redemption on December 15, 1949, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

JOHN W. SNYDER,
Secretary of the Treasury.

AUGUST 12, 1949.

[F. R. Doc. 49-6605; Filed, Aug. 12, 1949;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 484]

CAPITAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Capital Airlines, Inc. (formerly Pennsylvania-Central Airlines Corp.), over its

entire system, and Board Show Cause Order E-2675.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 16, 1949, at 9:30 a. m. (e. d. s. t.), in Room 2049 Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kusters.

Dated at Washington, D. C., August 9, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6608; Filed, Aug. 12, 1949;
8:46 a. m.]

[Docket No. 3238 et al.]

PENINSULA AIRPORT COMMISSION OF VIRGINIA, ET AL.; SERVICE TO NEWPORT NEWS, VA., CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of the Peninsula Airport Commission of Virginia for service to the Peninsula Area of Virginia, and of the applications of Capital Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., and National Airlines, Inc. for certificates of public convenience and necessity or amendments thereof authorizing service to Newport News, Va.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on August 22, 1949 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 9, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6611; Filed, Aug. 12, 1949;
8:46 a. m.]

[Docket No. 3623]

S. S. W. INC.; SERVICE TO LAKE TAHOE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of S. S. W. Inc., for a permanent or an experimental temporary (for a minimum period of 5 years) certificate of public convenience and necessity and/or a permanent exemption order authorizing scheduled and nonscheduled air transportation of persons and property between the coterminal points Concord and Oakland, California, and the terminal point Minden, Nevada.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-en-

titled proceeding, heretofore recessed to September 6, 1949, is postponed to September 7, 1949, at 10:00 a. m. (e. d. s. t.), in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., August 9, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6610; Filed Aug. 12, 1949;
8:46 a. m.]

[Docket No. 3997]

EMPIRE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Empire Air Lines, Inc., over its entire system, Board Show Cause Order E-3008.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 19, 1949, at 9:30 a. m., e. d. s. t., in Room 2015 Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kusters.

Dated at Washington, D. C., August 9, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6609; Filed, Aug. 12, 1949;
8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

1. Effective August 1, 1949, the address of the San Francisco, California Office was changed. Therefore, the entry in section 22 (b) (5) under the State of California, San Francisco is amended by:

Deleting opposite "California", "San Francisco" and in the column headed "Address" the following: "315 Montgomery Street" and substituting therefor the following: "180 New Montgomery Street".

2. Effective August 8, 1949, the address of the Philadelphia, Pennsylvania Office was changed. Therefore, the entry in section 22 (b) (5) under the State of Pennsylvania, Philadelphia, is amended by:

Deleting opposite "Pennsylvania", "Philadelphia" and in the column headed "Address" the following: "Public Ledger Building" and substituting therefor the following: "Pennsylvania Building".

DONALD M. ALSTRUP,
Assistant Commissioner.

[F. R. Doc. 49-6599; Filed, Aug. 12, 1949;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2173]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of August 1949.

In the matter of The Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, Virginia Gas Transmission Corporation, File No. 70-2173.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, Atlantic Seaboard Corporation ("Seaboard"), a registered holding company and a subsidiary of Columbia, Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution") and Virginia Gas Transmission Corporation ("Transmission"), the latter three companies being subsidiaries of Seaboard. Applicants-declarants have designated sections 6 (b), 7, 9, 10, 12 (b), 12 (c) and 12 (f) of the act and rules U-42, U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 19, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 19, 1949, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Columbia proposes to make a cash capital contribution of \$6,325,000 to Seaboard and to purchase \$6,000,000 principal amount of 3 1/4% Installment Promissory Notes to be issued and sold to it by Seaboard. The \$12,325,000 thus made available to Seaboard will provide for the construction requirements of Seaboard and will provide Seaboard with cash required by it to finance the construction programs of its subsidiaries.

Seaboard proposes to amend its Certificate of Incorporation so as to increase its authorized capital stock to \$20,000,000 represented by 800,000 shares of common stock, \$25 par value, and to reclassify its presently issued and outstanding 50,000 shares of common stock, \$10 par value, into 520,000 shares of new common stock. Columbia will surrender 50,000 shares of common stock, \$10 par value, of Seaboard and will receive in exchange 520,000 shares of common stock, \$25 par value, of Seaboard. Seaboard proposes to credit its capital surplus with the amount of \$6,325,000 to be received from Columbia as a capital contribution and will transfer from its capital surplus account to its capital stock account the amount of \$12,500,000.

Seaboard further proposes to contribute \$721,000 to Amere by surrendering to Amere its outstanding 6% Income Demand Loans for cancellation and will purchase from Amere \$300,000 principal amount of 3 1/4% notes of Amere.

Amere proposes to amend its Certificate of Incorporation so as to increase its authorized maximum capital stock to \$2,500,000 represented by 100,000 shares of common stock, \$25 par value, and to reclassify its presently issued and outstanding 5 shares of capital stock into 46,800 shares of common stock, \$25 par value. Seaboard will surrender the 5 shares of capital stock and will receive in exchange 46,800 shares of common stock, \$25 par value, of Amere.

Amere will accept its 6% demand loans for cancellation as a capital contribution of \$721,000 from Seaboard and will credit its capital surplus with the amount of such contribution. Subsequently Amere will transfer \$1,169,500 from capital surplus to its capital stock account.

Seaboard further proposes to contribute \$968,000 to Distribution by surrendering to Distribution its outstanding 6% Income Demand Loans for cancellation and will purchase from Distribution \$150,000 principal amount of 3 1/4% Installment Promissory Notes of Distribution.

Distribution proposes to amend its Articles of Association so as to increase its presently authorized maximum capital stock to \$1,500,000 represented by 60,000 shares, \$25 par value, and to provide for the exchange and/or conversion of the presently issued and outstanding 10 shares of common stock for and into 44,000 shares of common stock, \$25 par value. Seaboard will surrender 10 shares of common stock of Distribution and will receive in exchange 44,000 shares of common stock, \$25 par value, of Distribution.

Distribution proposes to credit to its capital surplus account the capital contribution of \$968,000 from Seaboard and will transfer from its capital surplus account to its capital stock account an amount of \$1,099,000.

Seaboard proposes to purchase \$3,750,000 principal amount of 3 1/4% notes to be issued and sold to it by Transmission.

The 3 1/4% notes proposed to be issued by Seaboard, Amere, Distribution and Transmission are to be payable in 25 equal installments on each of the years

1952 to 1976 inclusive and will be issued at such times as the said companies require cash in connection with their 1949 construction programs. None of such notes, however, will be issued and sold subsequent to December 31, 1949.

The application-declaration states that under the terms of the 6% Income Demand Loans of Amere and Distribution, interest is payable at the rate of 6% per annum to the extent earned. To the extent that such interest is not earned it becomes cumulative and is payable from earnings from subsequent periods. As of December 31, 1948, cumulative interest amounting to \$290,265 and \$160,490 for Amere and Distribution, respectively, remained unpaid. This cumulative interest will be cancelled. However, interest computed at 6% from January 1, 1949 to the date of the consummation of the contribution of 6% Income Demand Loans by Seaboard to Amere and Distribution will be paid by such companies.

The application-declaration further states that Seaboard's 6% Income Demand Loans held by Columbia carry similar provisions to the demand loans of Amere and Distribution held by Seaboard. As of December 31, 1948, cumulative interest amounting to \$2,429,337.50 remained unpaid on Seaboard's demand loans. Currently, the earnings of Seaboard are more than adequate to provide for current interest and although no change is being made in the form of 6% Income Demand Notes of Seaboard, it is proposed, in order that Seaboard's interest and dividends may be placed on a current basis, that Columbia will cancel the unpaid interest accumulated prior to December 31, 1948, on such notes.

The application-declaration states that the new common stock of Amere and Distribution will be issued as part of a recapitalization of such companies designed to simplify their corporate structures in compliance with section 11 (b) of the act. Accordingly, applicants-declarants have requested that the order of the Commission insofar as it relates to the issuance of said shares of new common stock conform with the provisions of section 1808 (f) of the Internal Revenue Code.

The application-declaration states that the several transactions relating to the recapitalization and financing of Distribution and Transmission are subject to the jurisdiction of the State Corporation Commission of Virginia, and that the order of said commission with respect to the said transactions will be filed by amendment. The application-declaration further states that the transactions relating to the recapitalization and financing of Amere are subject to the jurisdiction of the Public Service Commission of West Virginia, and that the order of the said commission with respect to the said transactions will be filed by amendment.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6598; Filed, Aug. 12, 1949; 8:45 a. m.]

[File No. 70-2184]

YORK COUNTY GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of August 1949.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by York County Gas Company ("York"), a public utility subsidiary of Pennsylvania Gas & Electric Corporation, a registered holding company. The declarant has designated sections 6 and 7 of the act and Rules U-20, U-21, U-22, U-23, U-24 and U-62 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

York proposes to issue and sell an aggregate of \$400,000 principal amount of its First Mortgage Bonds, ... % Series, due 1979, to be issued pursuant to and secured by York's present indenture dated as of June 1, 1946, as supplemented by an indenture to be dated as of September 1, 1949. The bonds will be sold for cash at private sale to institutional investors; the interest rate on the bonds and the price thereof will be supplied by amendment. Fees and expenses with respect thereto are estimated at \$10,000.

York also proposes to (1) increase its authorized capital stock from \$600,000, consisting of 30,000 shares with a par value of \$20 per share, to \$720,000, consisting of 36,000 shares with a par value of \$20 each, and (2) issue and sell, at a price of \$50 per share, the 6,000 newly authorized shares of common stock.

The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of $\frac{1}{5}$ th of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants in transferable form. As fractional shares of common stock will not be issued, Fractional Share Subscription Warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. Each holder of subscription warrants will be entitled to purchase from York, subject to allotment, any shares covered by outstanding warrants which are not exercised. Fees and expenses with respect to the issuance and sale of the common stock are estimated at \$10,000.

The declaration states that the net proceeds from the sale of the additional bonds and common stock will be used, together with funds derived from operations, to provide the funds required for the construction or acquisition of permanent improvements, extensions and additions to the company's property, to reimburse its treasury in part for expenditures made for such purposes, and to pay a \$100,000 short-term bank loan in-

curred in order to secure funds for such purposes or any other bank loan to be incurred to secure funds for such purposes. The company contemplates expenditures for property additions during the years 1949 through 1951 in an aggregate amount estimated at \$888,000. The filing indicates that the company does not anticipate the sale of any additional securities in that period.

The declarant has requested that the Commission's order be issued as soon as practicable and that it become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 29, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 29, 1949, said declaration as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6596; Filed, Aug. 12, 1949;
8:45 a. m.]

[File No. 812-606]

BANKERS SECURITIES CORP. AND TOURAINE
APARTMENTS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of August A. D. 1949.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940 has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed purchase by Land Title Bank and Trust Company ("Land Title"), Broad and Chestnut Streets, Philadelphia, Pennsylvania, as indenture trustee, of First Mortgage Bonds without stock attached of Touraine Apartments, Inc. ("Touraine"), Sixteenth and Spruce Streets, Philadelphia, Pennsylvania, pursuant to tenders to be made by Bankers in response to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds.

Bankers presently proposes to tender such number of bonds as will, if the tender is accepted, exhaust the sinking

fund (\$25,586.00) at a price not yet determined but within a range of 94 to 99 of par flat.

Bankers has also included in its application a request pursuant to section 6 (c) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act future purchases by Land Title of First Mortgage Bonds of Touraine from Bankers pursuant to tenders which may be made by Bankers in response to any general calls for tenders which may be made by Land Title under the sinking fund provisions of the indenture for First Mortgage Bonds. Bankers has agreed in its application (1) that future general calls for tenders issued by Land Title for First Mortgage Bonds of Touraine shall include a statement as to any proposals of Bankers to tender such bonds together with a statement as to the range in which such tender by Bankers will be made, (2) that such general calls for tenders shall be filed with the Commission when made, in triplicate and (3) that an order of the Commission granting such exemption may be modified or revoked after notice and opportunity for hearing if at any time subsequent facts in the Commission's opinion make such action necessary or appropriate.

Bankers is a closed-end, non-diversified management investment company. Bankers owns at a cost of \$128,888.16 First Mortgage Bonds of Touraine in the principal amount of \$291,000 (out of \$995,250 principal amount outstanding as of July 1, 1949) and 1980 shares of capital stock or 26.6% of the 7,435 shares of the outstanding voting securities of Touraine.

Land Title is a bank organized under the laws of the Commonwealth of Pennsylvania and is the mortgagee and trustee under the indenture securing the First Mortgage Bonds of Touraine. Bankers owns 24.97% of the outstanding voting securities of Land Title.

The acceptance by the indenture trustee, Land Title, of tenders of First Mortgage Bonds of Touraine from Bankers, constitutes a purchase of such bonds by an affiliated person (Touraine) of a registered investment company (Bankers) from the investment company and is prohibited by section 17 (a) of the act, unless an exemption therefrom is granted by the Commission pursuant to section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 22, 1949, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 19, 1949, at 5:30 p. m., e. d. s. t., in writing, submit to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any

such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6597; Filed, Aug. 12, 1949;
8:45 a. m.]

[File No. 812-612]

**GAS INDUSTRIES FUND, INC., AND TEXAS GAS
TRANSMISSION CORP.**

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1949.

Gas Industries Fund, Inc. of Boston, Massachusetts ("Applicant"), a registered investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of said section 10 (f) of the Act a proposed purchase by Applicant of not exceeding 25,000 shares of the common stock of Texas Gas Transmission Corporation ("Texas Gas") to be publicly offered in the near future. Texas Gas, whose principal executive office is located in Owensboro, Kentucky, owns and operates a pipe-line system for the transportation and sale of natural gas at wholesale.

James H. Orr, who is one of four directors of applicant, is a director and therefore an affiliated person of The First Boston Corporation, an investment banking organization which participates in the underwriting of securities. Appli-

cant is informed that The First Boston Corporation expects to be among a group of underwriters of 211,225 shares of common stock of Texas Gas, shortly to be offered to the public. The board of directors of Applicant has authorized the purchase by Applicant, at the initial public offering price, of not exceeding 25,000 shares of such common stock, such purchase to be made from an underwriter or member of the selling group, if any, other than The First Boston Corporation. Orr, the affiliated director, did not vote in connection with the authorization.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. Section 10 (f) further provides that the Commission by order upon application may conditionally or unconditionally exempt any such purchase or acquisition from the provisions of the section if and to the extent that such exemption is consistent with the protection of investors. Applicant has therefore filed the instant application for an order of the Commission exempting the proposed purchase from the provisions of section 10 (f).

The application states that if Applicant were to purchase the entire 25,000 shares, it would acquire approximately 11.8 percent of the total offering or 1.1 percent of the total number of shares outstanding, and that assuming a price of \$12.00 per share, the purchase would represent an investment of approximately 4.98 percent of the total assets of the Applicant as of August 3, 1949.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after August 17, 1949, upon such conditions as the Commission may deem necessary or appropriate unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission, in writing, not later than August 16, 1949, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6668; Filed, Aug. 12, 1949;
8:53 a. m.]

**UNITED STATES TARIFF
COMMISSION**

[List No. 10 (E)]

**ASSOCIATION OF KNITTED GLOVE AND
MITTEN MANUFACTURERS**

APPLICATION FOR INVESTIGATION

AUGUST 10, 1949.

Application as listed below for investigation under the escape clause of trade agreements has been filed with the United States Tariff Commission under the provisions of Part III, Executive Order 10004 of October 5, 1948.

Name of article	Purpose of request	Date received	Name and address of applicant
Knit gloves and knit mittens, finished or unfinished, wholly or in chief value of wool (item 1114 (b), Schedule XX, General Agreement on Tariffs and Trade).	To determine whether the articles are being imported in such increased quantities as to cause or threaten serious injury to domestic producers.	Aug. 5, 1949	Association of Knitted Glove and Mitten Manufacturers, 52-54 South Main St., Gloversville, N. Y.
Gloves and mittens, embroidered in any manner, wholly or in chief value of wool (item 1529 (a), Schedule XX, General Agreement on Tariffs and Trade).			
Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of cotton (item 917, Schedule XX, General Agreement on Tariffs and Trade).			

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets, NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 49-6616; Filed, Aug. 12, 1949;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942; 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946; 11 F. R. 11981.

[Vesting Order 13589]

MARY BUKOWSKA

In re: Estate of Mary Bukowska, also known as Maria M. Bukowsky, deceased. File No. D-28-11542; E. T. sec. 15768.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Bukowski, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That all right, title, interest and claim of any kind of character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Mary Bukowska, also known as Maria M. Bukowsky, deceased, is property payable

or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6617; Filed, Aug. 12, 1949; 8:47 a. m.]

[Vesting Order 13593]

WILLIAM H. FLOTTMANN

In re: Estate of William H. Flottmann, deceased. File No. D-28-10203; E. T. sec. 14539.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Mowwe, Wilhelmina Charlotte Brockmann, nee Moehlmann, Emma Brinckwert, nee Moehlmann, Augusta Flottman, nee Moehlmann, and Heinrich Moehlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Louisa Moehlmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of William H. Flottmann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by the Public Administrator of Queens County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Louisa Moehlmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6618; Filed, Aug. 12, 1949; 8:47 a. m.]

[Vesting Order 13594]

CHARLES A. HOFFMANN

In re: Trust u/w of Charles A. Hoffmann, deceased. File No. D-28-12677; E. T. sec. 16853.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Pflugfelder, Gottlob Hoffmann, Kathrina Hoffmann Schopf, Heinrich Schloz, Gottlieb Schloz, Julius Schloz, Friedrich Schloz, Jr., Otto Schloz, Karl Dettling, Pauline Dettling Zuschnit and Hedwig Dettling Ruble, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Charles A. Hoffmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Lincoln National Bank and Trust Company, as trustee, acting under the judicial supervision of Allen Superior Court No. 2, Allen County, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6619; Filed, Aug. 12, 1949; 8:48 a. m.]

[Supplemental Vesting Order 13597]

CARL HUNOLD

In re: Trust under will of Carl Hunold, deceased. File No. D-66-858; E. T. sec. 5150.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie (Maria) Friederike Katherine Auguste Emde Schulte, Christiane Luise Wilhelmine Henriette Marie Berghoefer Lehmann, Friedrich Carl August Berghoefer, and Karl Christian Heinrich Berghoefer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under paragraph tenth of the will of Carl Hunold, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Laban Evans, Ramsey, Illinois, as trustee, acting under the judicial supervision of the Circuit Court of Fayette County, Illinois; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

NOTICES

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6620; Filed, Aug. 12, 1949;
8:48 a. m.]

[Vesting Order 13602]

MATTHEW L. MAIER

In re: Trust of Matthew L. Maier, deceased. File No. D-28-9159; E. T. sec. 11830.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose Maier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Matthew L. Maier, deceased, and in and to the estate of Matthew L. Maier, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herbert Maier, as Executor, acting under the judicial supervision of the Probate Court of La Salle County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6621; Filed, Aug. 12, 1949;
8:48 a. m.]

[Vesting Order 13604]

ROCK ISLAND, ARKANSAS AND LOUISIANA
RAILROAD CO.

In re: In the matter of the reorganization of Rock Island, Arkansas and Louisiana Railroad Company. File D 66-262. E. T. sec. 2233.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Barth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests evidenced or represented by a certificate of deposit issued to Marie Barth by the First National Bank of Chicago, Chicago, Illinois, for one First Mortgage 4½% Gold Bond issued by the Rock Island, Arkansas and Louisiana Railroad Company, of \$1,000.00 face value, including particularly, but not limited to, the right to receive the following described property on account of said certificate of deposit pursuant to the plan of reorganization of such company, approved by the United States District Court, Northern District of Illinois, in the Matter of Reorganization of Rock Island, Arkansas and Louisiana Railroad Company:

(a) Cash in the sum of \$101.00;

(b) One \$100.00 First Mortgage Bond of the Chicago, Rock Island and Pacific Railway Company, together with all rights thereunder and thereto, and accrued interest thereon,

(c) One \$250.00 General Mortgage Bond of the Chicago, Rock Island and Pacific Railway Company, together with all rights thereunder and thereto, and accrued interest thereon,

(d) Two shares Preferred Stock of the Chicago, Rock Island and Pacific Railway Company, together with all declared and unpaid dividends thereon, and

(e) Four shares Common Stock of the Chicago, Rock Island and Pacific Railway Company, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6622; Filed, Aug. 12, 1949;
8:48 a. m.]

[Vesting Order 13608]

WILHELM SCHROEDER

In re: Estate of Wilhelm Schroeder, also known as William Schroeder, Benno Schroeder. File D-28-9683; E. T. sec. 13488.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Schroeder, Anna Joseph, nee Schroeder, Heinz Schroeder, Benno Schroeder and Robert Schroeder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Wilhelm Schroeder, also known as William Schroeder, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6623; Filed, Aug. 12, 1949;
8:48 a. m.]

[Vesting Order 13616]

YOSHIMATSU HASE

In re: Cash owned by Yoshimatsu Hase. F-39-6464-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshimatsu Hase, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$450.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yoshimatsu Hase, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6624; Filed, Aug. 12, 1949;
8:48 a. m.]

No. 156—5

[Vesting Order 13617]

ADA SOPHIE AUGUSTE HENNING AND HILDA
FRIEDA MARIE-LUISE CAROLINE HERM-
BERG

In re: Stock owned by Ada Sophie Auguste Henning, also known as Mrs. Hermann Henning and as Ada Sophie Auguste Jenkel Henning and Hilda Frieda Marie-Luise Caroline Hermberg, also known as Mrs. Hans-Carl Hermberg and as Hilda Jenkel Hermberg. F-28-28723-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ada Sophie Auguste Henning, also known as Mrs. Hermann Henning and as Ada Sophie Auguste Jenkel Henning, whose last known address is Lubeck Eschenburgstrasse 14, Germany, and Hilda Frieda Marie-Luise Caroline Hermberg, also known as Mrs. Hans-Carl Hermberg and as Hilda Jenkel Hermberg, whose last known address is Lubeck Danzigerstrasse 24, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Two-thirds (2/3rds) interest in seven (7) shares of no par value \$6 cumulative preferred stock of The North American Light and Power Company, 100 West 10th Street, Wilmington, Delaware, evidenced by a certificate numbered 012208, registered in the name of Amanda Jenkel, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends allocable to such two-thirds interest,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ada Sophie Auguste Henning, also known as Mrs. Hermann Henning and as Ada Sophie Auguste Jenkel Henning and Hilda Frieda Marie-Luise Caroline Hermberg, also known as Mrs. Hans-Carl Hermberg and as Hilda Jenkel Hermberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6625; Filed, Aug. 12, 1949;
8:48 a. m.]

[Vesting Order 13620]

DOROTHY KAUFMAN

In re: Debts owing to Dorothy Kaufman, also known as Dorothea Kaufmann and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A attached hereto and by reference made a part hereof, whose last known addresses are set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A, by William R. Kueffner, R. F. D. No. 4, Rockville, Maryland, in the amounts set forth opposite the names of the persons listed in the aforesaid Exhibit A, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and last known address of national	Amount	Office of Alien Property file No.
Dorothy Kaufman, also known as Dorothea Kaufmann, Schlotzau, Kreis, Hünfeld, Germany.	\$849.25	F-28-11594-C-1.
Margaretha Henning, Grossen Mohr, Germany.	121.32	F-28-11354-C-1.
Elizabeth Kraft, also known as Elisabetha Kraft, Schlotzau, Kreis, Hünfeld, Germany.	849.25	F-28-11714-C-1.
Karl Johann Schmidt, also known as Karl John Schmidt, Grossen Mohr, Germany.	121.32	F-28-12080-C-1.
Elisabeth Schmidt, Grossen Mohr, Germany.	121.32	F-28-12084-C-1.
Katherine Schmidt, Grossen Mohr, Germany.	121.32	F-28-12090-C-1.
Wilhelm Schmidt, Grossen Mohr, Germany.	121.32	F-28-12096-C-1.
Dorothea Schulz, Grossen Mohr, Germany.	121.32	F-28-12183-C-1.
Margaretha Kranz, Grossen Mohr, Germany.	40.44	F-28-30175-C-1.
Adam Henning, Grossen Mohr, Germany.	40.44	F-28-30179-C-1.
Johannes Henning, Grossen Mohr, Germany.	40.45	F-28-30180-C-1.

[F. R. Doc. 49-6626; Filed, Aug. 12, 1949; 8:48 a. m.]

[Vesting Order 13622]

ADAM KRUDIEWIG

In re: Stock owned by Adam Krudewig. F-28-29815-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Krudewig, whose last known address is Oldenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of \$5.00 par value common capital stock of the Missouri-Kansas Pipe Line Company, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C082591, registered in the name of Adam Krudewig, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, ad-

ministered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6627; Filed, Aug. 12, 1949; 8:48 a. m.]

[Vesting Order 13632]

JOANNA GITTKOWSKI

In re: Estate of Joanna Gittkowski, deceased. File No. D-28-12685; E. T. sec. 16861.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Kozlowski and Praxeda Sensenschmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Joanna Gittkowski, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of St. Louis County, Minnesota, acting under the judicial supervision of the Probate Court of St. Louis County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 8, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-6628; Filed, Aug. 12, 1949; 8:49 a. m.]

[Return Order 395]

SOCIETE D'ELECTRO-CHIMIE, D'ELECTRO-METALLURGIE ET DES ACIERIES ELECTRIQUES D'UGINE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe d'Electro-Chimie, d'Electro-Metallurgie et des Acieries Electriques d'Ugine, Paris, France; Claim No. 5381; June 8, 1949 (14 F. R. 3115); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,826,552; 1,831,023; 1,985,308; 2,028,312; 2,033,172; 2,091,950; 2,147,205; 2,147,206; 2,193,365; 2,194,965; 2,206,562; 2,242,516; 2,246,133 and 2,255,844.

Property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943), relating to United States Letters Patent No. 1,585,716.

Property described in Vesting Order No. 2633 (8 F. R. 17282, December 23, 1943), relating to United States Letters Patent Nos. 2,015,690; 2,015,691; 2,015,692; 2,015,693; 2,049,721; 2,050,460; 2,050,803; 2,087,580; 2,098,063; 2,100,264; 2,100,265; 2,123,658; 2,169,741; 2,188,416; 2,203,179; 2,207,109; 2,232,403; 2,246,144; 2,268,615; and 2,269,601.

Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Ser. Nos. 341,967 (now Patent No. 2,303,064); 197,725 (now Patent No. 2,310,865); 339,389 (now Patent No. 2,356,529); and 355,846.

Property described in Vesting Orders 293 and 2633, relating to Patent Application Ser. No. 299,907 (now Patent No. 2,288,836).

All interests and rights created in Societe d'Electro-Chimie d'Electro-Metallurgie et des Acieries Electriques d'Ugine, to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 2633 by virtue of the following agreements (including all modifications thereof and supplements thereto, if any) relating, among other things, to U. S. Letters Patent No. 2,015,691; (a) an agreement dated May 15, 1936, by and between claimant and United States Steel Corporation; (b) an agreement dated June 15, 1936, by and between claimant and Bethlehem Steel Company; (c) an agreement dated November 18, 1936, by and between claimant and Republic Steel Corporation; (d) agreement dated November 24, 1936, by and between claimant and Youngstown Sheet and Tube Company; (e) agreement dated January 7, 1937, by and between claimant and Jones and Laughlin Steel Corporation.

All interests and rights created in Societe d'Electro-Chimie d'Electro-Metallurgie et des Acieries Electriques d'Ugine, to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 2695 (8 F. R. 17282, December 23, 1943) by virtue of the following agreements (including all modifications thereof and supplements thereto, if any) relating, among other things, to U. S. Letters Patent No. 1,924,028; (a) an agreement dated April 18, 1935, by and between claimant and Birdsboro Steel Foundry and Machine Company; (b) an agreement dated November 29, 1935, by and between claimant and Chambersburg Engineering Company; (c) an agreement dated May 1, 1936, by and between claimant and Vulcan Mold and Iron Company; (d) an agreement dated November 1, 1937, by and be-

tween claimant and Farrel-Birmingham Company, Inc.; (e) an agreement dated June 29, 1938, by and between claimant and General Railway Signal Company.

In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter dated June 14, 1948. These covenants are attached as Exhibit "A" to the Determination filed herewith.

This return shall not be deemed to include the rights of any licensees under the above patent rights and contracts and will be subject to the provisions of the Memorandum of Understanding between the Government of the United States of America and the Provisional Government of the French Republic dated May 28, 1946.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6629; Filed, Aug. 12, 1949;
8:49 a. m.]

MARIO AND MARIA CAGNACCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mario and Maria Cagnacci, Lucca, Italy; 6344; \$1,131.71 in the Treasury of the United States. Real property situated at 112 Maple Avenue in the City of South San Francisco, County of San Mateo, California, described as follows: Lot 14 in Block 123 as designated on the map entitled "South San Francisco San Mateo Co. Cal. Plat No. 1", which map was filed in the office of the Recorder of the County of San Mateo, State of California on March 1, 1892 in Liber "B" of Maps at page 6 and a copy entered in Liber 2 of Maps at page 52.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6630; Filed, Aug. 12, 1949;
8:49 a. m.]

HECTOR DIEUDONNE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof,

the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hector Dieudonne, 17 Avenue de la Liberté, Luxembourg, Grand Duchy of Luxembourg; 4861; \$3.37 in the Treasury of the United States to Hector Dieudonne.

Comptoir Metallurgique, Luxembourg, "Columeta", S. A., 17, Avenue de la Liberté, Luxembourg, Grand Duchy of Luxembourg; 6396, 4860; \$4,381.82 in the Treasury of the United States to Comptoir Metallurgique Luxembourg, "Columeta", S. A. A certain debt in the amount of \$12,510.94 due to Amerlux Steel Corporation of California from Comptoir Metallurgique Luxembourg and Luxemburger Eisen und Stahlvertrieb "Columeta", and/or Acleries Reunies De Burbach-Eichdudelange (ARBED), 699/700 thereof to Comptoir Metallurgique Luxembourg, "Columeta", S. A., and 1/700 thereof to Hector Dieudonne. 245 shares of \$100 par value common stock of Amerlux Steel Products Corporation, a New York corporation, to Comptoir Metallurgique Luxembourg, "Columeta", S. A.

Coluflandres, S. A., 106, rue de l'Eglise, Gendbrugge-les-Gand, Belgium; 6388; 5 shares of \$100 par value common stock of Amerlux Steel Products Corporation, a New York corporation, to Coluflandres, S. A.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6631; Filed, Aug. 12, 1949;
8:49 a. m.]

N. V. HANDELSMAATSCHAPPIJ "WALDORF"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

N. V. Handelsmaatschappij "Waldorf", Amsterdam, Holland, and Curacao, N. W. I.; 399; \$207,596.51 in the Treasury of the United States. One-hundred (100) shares of the no par value common stock of the International Nickel Company of Canada, Limited, evidenced by stock certificate No. 429973, registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 49-2303, presently in the custody of the Safe-keeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6632; Filed, Aug. 12, 1949;
8:49 a. m.]

LUIGI MUCCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Luigi Mucci, Marilana, Italy, 10265; \$697.96 in the Treasury of the United States. All right, title and interest of Luigi Mucci in and to the Estate of Palmira Mucci, deceased.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6633; Filed, Aug. 12, 1949;
8:49 a. m.]

KATHRYN M. WOLF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Kathryn M. Wolf, as executrix of the estate of Laura M. Lorenzen, deceased, P. O. Box 1506, Las Vegas, N. Mex.; 10855; \$993.42 in the Treasury of the United States.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6636; Filed, Aug. 12, 1949;
8:50 a. m.]

GUNVALD ROSTE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

NOTICES

Claimant, Claim No., and Property and Location

(1) Gunvald Roste, a/k/a Gunval Roste, (2) Bertha Michalsen, a/k/a Bertha Mikkelsen, (3) Beata Gjerdet, a/k/a Beata Jerdet, (4) Petra Roste, (5) Johan Roste, (6) Olaf Roste, (7) Ingeborg Svendsen, a/k/a Ingeborg Svenson, (8) Emma Erichsen, a/k/a Emma Erickson, (9) Alfred Smedhaugen, (10) Emil Smedhaugen, (11) Kristine Smedhaugen, a/k/a Christine Smedhaugen, (12) Sofie Blomgren, a/k/a Sophia Blomgren; all of Norway; 24634; \$1,508.64 in the Treasury of the United States returnable in equal shares of \$125.72 to the claimants.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6635; Filed, Aug. 12, 1949;
8:50 a. m.]

VIRGINIA A. (PHILLIPS) DALLA ROSA-PRATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Virginia A. (Phillips) Dalla Rosa-Prati, 3620 Clay Street, San Francisco, Calif.; 30519; a certificate for 2,493 shares of common stock of the Phillips and Van Orden Company, Inc., a California Corporation, registered in the name of the Alien Property Cus-

todian, presently held in safe keeping by the Federal Reserve Bank of New York; and \$22,437.00 in the Treasury of the United States, representing dividends on the aforesaid stock. All right, title, interest and claim of any name or nature which Virginia A. (Phillips) Dalla Rosa-Prati possessed immediately prior to vesting in and to all obligations, contingent or otherwise and whether or not matured, owing to her by said Phillips and Van Orden Company, Inc. All other interests of whatsoever nature possessed by the said Virginia A. (Phillips) Dalla Rosa-Prati immediately prior to vesting in the said Phillips and Van Orden Company, Inc.

Executed at Washington, D. C., on August 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6634; Filed, Aug. 12, 1949;
8:50 a. m.]